

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

GLOSSARY

BNP	Bangladesh Nationalist Party
CHT	Chittagong Hill Tracts
CHTDB	Chittagong Hill Tracts Development Board
CHTJRWA	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	Par batya Chhattagram Jana Samhati Samiti
UNO	Upazila Nirbahi Officer

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Preface

The Chittagong Hill Tracts (CHT) Accord signed between Government of Bangladesh and Parbatya Chattagram Jana Samhati Samiti (PCJSS) is poised to step into its two decades of existence since its signing on 2 December 1997 aimed at resolving the CHT crisis through political and peaceful means. But it has now become an issue of high concern that within so prolonged span of time, two-third core issues of the CHT Accord has remained unimplemented as yet. Soon after assuming the office in 2009, the present Sheikh Hasina-led government made it public that it had no opportunity to forge ahead the implementation process of the CHT Accord for 7 years i.e. for having been passed 5 years under four-party coalition government and 2 years under Caretaker Government led by Dr. Fakhruddin Ahmed. Hence, the Awami League-led grand alliance government reiterated its commitment saying that the CHT Accord would be implemented in letter and spirit invariably. But it is to be noted that despite being in the power during the last 9 years, the present Sheikh Hasina government has not stepped up any effective initiative to implement the core issues that have been being ignored since the beginning. Consequently, the implementing state of the core issues of the CHT Accord has remained unmet. Furthermore, what causes to give rise to heightening concern is that the Sheikh Hasina government has not only left the core issues at the bay, on the contrary, it has been executing the anti-accord and anti-Jumma-interest programs one after another. As a result-

- The CHT problem has not yet been solved out.
- Preservation of the Jumma (tribal) inhabited feature in the region as well as entity of Jumma peoples has not been ensured.
- In order to make the laws applicable to CHT in consonance with the CHT Accord, none of the laws has yet been amended.
- CHT Regional Council and the three Hill District Councils have not yet been developed into an institutional form.
- The CHT Regional Council and three Hill District Councils have not been constituted through holding elections based on the right to direct franchise of the permanent residents of Jumma and Bengali people.
- The functions of General Administration, Law & Order, Police (local), Land & Land Management, Forest & Environment, Tourism, Secondary Education, Development, etc. have not yet been devolved to the three Hill District Councils.
- CHT Regional Council Act has not yet been put into force. CHT Regional Council has been kept dysfunctional.
- Illegal occupation of lands by the Bengali settlers, non-resident individuals and companies, authorities of army and other government institutions has not been

made stop and that the land disputes in CHT has not been resolved.

- Military rule in CHT has not been put to an end by withdrawing all the temporary camps including de facto military rule 'Operation Uttoran'.
- The India-returnee Jumma refugees and internally displaced Jumma families have not been properly rehabilitated having their lands and homesteads back to them.
- Appointment of the permanent residents in all the jobs available in CHT has not been ensured with priority preference to the Jumma people.
- The Bengali settlers have not been rehabilitated outside CHT with due honour.

The government does not have any initiative to execute the unimplemented issues of the CHT Accord. The government is rather seen playing a very vibrant role in materializing the anti-accord and anti-Jumma interest program, as a whole. On pleas of implementation of the Accord, the government is bringing ultimate ruins to the diverse culture and national existence of the Jumma peoples, and continuing the mechanism of infiltration of the outsiders, illegal occupation of lands and homesteads of the Jumma peoples as to uproot them from their ancestral territories and alongside ultimate destruction is being brought upon the natural and forest resources.

Meanwhile, de facto military rule was imposed through promulgation of 'Operation Uttoran' to assert the military dominance in the CHT. Now, it is by merit of the 'Operation Uttoran', the army has been playing the decision-making role in all the affairs including the general administration, law & order and development sectors and has been doing its best to hinder the implementation process of the CHT Accord by various means and ways. It is due to de facto military rule, the army is conducting military operations elsewhere involving searching, arrest, torturing, meting out repressive measures and interference in the rights to freedom of speech and expression and freedom of association. As a part of the repressive maneuver, the army is carrying out clubbing actions upon the supporters and members of PCJSS and its associate organizations engaged in the democratic movement by terming them extortionists, armed miscreants, terrorists, separatists, etc. and filing fabricated cases, searching houses, apprehending, detaining in the camps and meting out physical torture and sending them to jail.

In recent days, the Jumma villagers and members of PCJSS who were released on bail are being illegally held without warrant and taken to the Army zone by the intelligence agency and security personnel wherein they are tortured and having them freshly entangled in other fabricated cases, they are being sent to jail and this kind of event has been taking place one after another Particularly in Bandarban district. From January 2016 to October 2017, such falsehood-based cases were filed against 150 PCJSS members while 50 numbers of PCJSS members and innocent villagers were taken arrested and more than 100 persons were picked up as detainees who were severely tortured in the camps followed by compelling more than 150 PCJSS members to flee from their respective localities.

The intelligent agencies, law enforcement and armed forces deployed in CHT have been playing anti-accord and anti-Jumma interest role with direct cooperation of the ruling party. Having the justified movement for rights of the Jumma peoples labeled as terrorism, they are doing with propagation, suppression and oppression throughout the region. By taking the advantage of 'Operation Uttoron', the army has been interfering in all affairs including general administration, law & order and development programs in CHT following colonial manner. It needs not to say that many army commanders deliver their anti-accord speeches in the different gatherings and publish their anti-accord write-ups on the dailies. Above all, the army publicly threaten the Jumma peoples not to support PCJSS and not get involved in PCJSS activities. As a result, this has given rise to their insecurity in life and livelihood.

The overall situation in CHT is highly anxious and delicate. The residents of CHT, especially, the Jumma peoples, are being forced to lead a life with an insecure and extremely uncertain reality. The Jumma peoples are in firm determination to wriggle out from this suffocative situation. In sum and substance, there cannot be any alternative to implementation of the CHT Accord in settling the existing CHT crisis politically and peacefully. The CHT Accord, the charter of rights of the Jumma peoples as well as the CHT residents, was achieved through bloody struggle that lasted for two and a half decades. The situation in CHT once again is being pushed towards further complexity due to dilly-dallying policy in implementing the CHT Accord on part of the ruling class of the country. Any conspiracy directing to thwart down the Accord implementation process and any fascist way of repressive measures designed to suppress the democratic movement for implementation of the CHT Accord can never bring wellbeing to the country. The back of the Jumma peoples has already touched the wall and that they are left with no space for a back march. This compels the Jumma peoples to take up tougher movement. Hence, for any undesirable consequence arising out of this situation, the government shall have to bear the responsibility.

Part : One

Statement on Unimplemented Issues of CHT Accord 1997

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.

E. 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 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 decades of 1980s in the plain districts.

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

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 (Amendment) Act 2016 was though enacted for amendment of contradictory sections of the CHT Land Dispute Resolution Commission Act 2001, but the Rules of the Land Commission is yet to be finalised.

For making the said provision of the Accord effective, amendment to the other laws applicable in Chittagong Hill Tracts (such as, Laws, Regulations, Rules, Orders, 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]**.

The CHT Regional Council submitted amendment proposals of various laws, regulations and circulations, however, the government did not take any initiative in this regard.

The government has been trying to thwart the jurisdiction of making regulations of the CHT Regional Council and the Hill District Council down since 2014.

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.

It is to be mentioned that various ministries and departments of the government have been rendering wrong or motivated interpretations of various articles, sections, sub-sections and clauses of the laws of HDCs and CHTRC that had been framed in light of the CHT Accord and also have been stepping ill-attempts of highlighting their opinion advocating for omission and amendment to the provisions enshrined in the Accord and the laws concerned.

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 there under. 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 without a certificate in this connection being received from the Circle Chief, no person shall be eligible as a non-tribal to be candidate for the post of a non-tribal member.”

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.

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 Sajeda 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.

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.

So, to withdraw the directive relating to entrusting responsibility of issuing non-tribal permanent resident certificate to Deputy Commissioners is indispensable.

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 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.

B.9: 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 on these laws following Section-53 of the act.

The Ministry of CHT Affairs sent it to the Ministry of Law & Justice and the Ministry of law & Justice sent the same to the Attorney General in the Supreme Court for appropriate interpretation. The CHT Regional Council is on its continual discussion with the concerned authorities of Ministry of CHT Affairs and Prime Minister's office on the issue. In that regard, the Ministry of CHT Affairs has sent letters to the Ministry of Law & Justice for 18 times from 2001 to till-to-date (2 December 2017).

But the regulations have not yet been framed for the final.

Functions of HDC 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.

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 not been transferred. It is only the function of establishing tourism centers at own finance 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.

As to this day, 5 functions/subjects have been fully transferred to the three HDCs through executive order and 12 functions or subjects have been partially 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-2: List of transferred functions and subjects]**.

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-3: List of functions or subjects not transferred]**

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.

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 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.”

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.

B.19: 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.”

This provision has not been implemented.

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.

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 suitable for settlement within the jurisdiction of Rangamati Hill District 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.

B.27: Collection of Land Development Tax

The provision mentioned in the Section 27 under Part 'B' of the Accord has been incorporated under Section 65 of the Act as follows:

65. Collection of land development tax.- Notwithstanding anything contained in any law for the time being in force, responsibility of collecting land development tax from taxable under the jurisdiction of Rangamati/ Khagrachari/ Bandarban Hill District Council shall be vested with the Council and the said collected tax shall be credited to the Council's fund.

The said provision has been included in Section 65 of the three Hill District Council Act 1998. But this provision is not being put into force properly. As per the law, practices and procedures, the responsibility of collection of taxes (Khajana) falls under jurisdiction of the Headman concerned, but in these days, instead of deposition with the Headman office, the tax accrued against the lands is being deposited with the government authority through Treasury Challan, the procedure of which is fully illegal.

This provision has not yet been put into force.

B.29: 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.
(3) The Council shall have a rights to apply to the Government for review of the said Rules even after they are already made.”

This provision has not been implemented.

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. However, the project is yet to be implemented. 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.
(2) The facilities of other members shall be decided by the regulation.”

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.

C.9 (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 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. But other concerned authorities including the three HDCs maintained no effective role in compliance to the said Office Order.

C.9 (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.

It is to be mentioned that two letters with specific recommendations were sent from Regional Council to the Ministry of CHT Affairs in order to bring 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. Even after this, no progress was to be seen on the issue.

C.9(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.

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 CHTRC 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.

C.9(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.

C.9(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.

C.9(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.

C.10: General and Overall Supervision over CHT Development Board

"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."

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.”

Since 2009, the CHT Regional Council has been continuing to send letters to the Ministry of CHT Affairs and Cabinet Division along with discussions from time to time emphasizing upon circulation of Gazette Notification of the provision stating that the “Chittagong Hill Tracts Regulation 1900 (No.1 Regulation of 1900) shall be effective to the extent that is in consonance with the laws of three HDCs and CHTRC Act framed in light of the CHT Accord. The Cabinet Division issued an order in 2013 and 2015 to the Ministry of CHT Affairs to take effective measures. In the meeting held with the representatives of CHTRC, the Chief Secretary of the Prime Minister's office expressed his opinion in favor and directed the Ministry of CHT Affairs to act upon the issue immediately. The issue has not yet been settled.

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.

It is to be mentioned that as per the provision under Section 53 of the CHT Regional Council Act, in some cases relating to formulation or 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.

It is further to be mentioned that during the post-accord period, various laws have been enacted and amended. But no provision has been kept in those laws specifying their applicability in CHT or no provision as such has been added in the sections/sub-sections of the said laws.

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 in total BDT 2,707,252 of 366 refugees has not been exempted. From among the 262 Refugees reinstated to their earlier jobs, 14 employees have not yet been provided seniority and other facilities. 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 Ramgar 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 Ceasefire) due to the prolonged unstable and commotion situation of the Chittagong Hill Tracts (Rangamati, Khagrachari and Bandarban), the tribal people who has 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 contradictory sections of the CHT Land Dispute Resolution Commission Act 2001 had been amended through passing the CHT Land Dispute Resolution Commission Act (Amendment) 2016 in the parliament of 6 October 2016. After amendment of the law, having the Draft Regulation of the Land Commission formulated, the CHTRC submitted the draft to the Ministry of Lands on 1 January 2017 for approval. But the government has not yet finalized the regulation. As a result, the work for resolution of land dispute has not yet been started to this day.

The Land Commission does not have adequate man powers, funds and logistics to work. Though the Head Office of the Commission was established in Khagrachari district, its branch offices could not have been made possible to get established in Rangamati and Bandarban.

It is further to be mentioned that the tenure of the retired Justice Anower-UI Haque as Chairman of the Commission has expired on 6 September 2017. But no effective initiative has been taken to appoint a new competent person (Retired Justice) in this position.

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 district.

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 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.”

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 to HDCs in 2014, but it is not devaluated properly. The office and tourism centers run by Bangladesh Tourism Corporation or some other organizations have not been transferred to the HDCs.

In place of devolvement of the Subject 'Tourism', the HDCs has been left with only the provision by which the HDCs can develop tourism at its own fund the provision of which is absolutely contradictory to the spirit of the Accord. On the contrary, various government agencies and authorities, army and various business institutions have established Tourism Centers and running them violating the Hill District Council Acts and CHT Regional Council Act.

The Regional Council had several meetings with the concerned ministry in 2015 to transfer the concerned offices and institutions of Tourism to the HDCs through issuance of an Executive Order cancelling the devaluation of function of the Subject Tourism through the Agreement with the HDCs in 2014 and it was decided that the concerned offices and institutions would be transferred. But this has not yet been implemented.

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 affect.

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 efflorescence at national level."

The distinctness of tribal customs and culture has not made 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.”

A list of loan amounting to Taka 22,783 received by altogether 4 members of Jana Samhati Samiti was submitted for exemption. The loan has not yet been exempted.

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, "Reinstated Tribal Employees (Exceptional Facilities) Rules 2015" has been formulated by the CHT Affairs Ministry.

As per the provision, many employees are enjoying the facilities but many others among the enlisted have remained excluded from the due facilities. It is noteworthy that some concerned employees had been left out from the list of the employees. This was brought to the notice of the concerned authority long before. Their issue deserves to be considered by the government.

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 Wildfire), ‘Operation Uttoran’ (Operation Upliftment) was unilaterally decided and promulgated by the government in CHT. By merit of the ‘Operation Uttoran’, the army has been playing the decision-making role in all the affairs including the general administration, law & order and development sectors and has been doing its best to hinder the implementation process of the CHT Accord by various means and ways.

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 owners or to the Hill District Councils.”

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. 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. 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. 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 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:

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 Department	1993	1993	1993
9. Animal Husbandry	23. District Livestock Department	1993	1993	1993
10. Culture	24. District Sports Association	1993	1993	1993
	25. District Shilpakala Academy	1993	1993	1993
	26. Small Ethnic Group Institute	1993	1993	1993
11. Youth Welfare	27. District & Upazila Youth Development Offices	2006	2011	2006
12. Tourism (Local)	28. Local Tourism (no office or institute has been transferred)	2014	2014	2014
Total 12 functions or subjects	Office and Institute	24	24	22

Annex-2:

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

Subjects or Functions	Offices or Institutes	Rangamati	Khagrachari	Bandarban
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
Total 17 functions or subjects	Functions or subjects	5	5	5

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-3

List of functions or subjects not transferred

A. Functions not transferred to the HDCs (16)

Sl.	Entry No. & Functions/Subjects	Opinion of CHTRC
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; rendering assistance, cooperation and encouragement.	It can be transferred through office order
3	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.	15. Provision of public parks, sports grounds and open spaces and maintenance thereof.	It can be transferred through office order
6.	16. Establishment and maintenance of inns, inspection bungalows and rest houses.	It can be transferred through office order
7	17. Implementation of development plans entrusted to the Council by the Government.	It can be transferred through office order
8.	18. Development of communication system;	To transfer it through office order without any delay
9	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

Sl.	Entry No. & Functions/Subjects	Opinion of CHTRC
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 ecology.	To transfer it through office order without any delay

B. Functions partially transferred (12)

Sl.	Entry No. & Functions	Work & office not transferred	Opinion
Sl. 1.	Entry No. & Functions 3. Education (1) District Primary Education	<ul style="list-style-type: none"> • Transfer of teachers at upazila level • Inter-district transfer • School construction and development 	To transfer them as per laws enacted under CHT Accord
		(l) Primary education through mother tongue;	To transfer this work
	(m) Secondary education.	<p>Terms of the agreement:</p> <ul style="list-style-type: none"> • 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 government rules 	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 officers.
2.	4. Health	<p>Terms of the agreement:</p> <ul style="list-style-type: none"> • All costs including salary-allowance to be paid from Service Directorate; • Service Directorate shall transfer officers/employees to other districts • Admission of students will be made as per rules set forth centrally 	According to section 69, HDCs can discharge this function as per its rules. Fund allocation can be made through MoCHTA & CHTRC. MoCHTA & CHTRC can also be involved in transferring to other districts. Projects adopted by the centre can

Sl.	Entry No. & Functions	Work & office not transferred	Opinion
		<ul style="list-style-type: none"> Health Ministry will resolve if any dispute arises Projects adopted by the centre will be implemented by national government. 	be implemented through HDCs.
3.	5. Public Health	<p>Terms of the agreement:</p> <ul style="list-style-type: none"> To appoint officers 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 USF and Protected Forest except Reserve Forest.	This function can be transferred through office 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 transferred.]
5.	7. Animal husbandry	<ul style="list-style-type: none"> 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 HDCs from Department of Livestock. 	These terms and conditions are consistent with the HDC Acts.
6.	8. Fisheries: almost all works transferred	<ul style="list-style-type: none"> 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.

Sl.	Entry No. & Functions	Work & office not transferred	Opinion
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.	To transfer aforesaid works through office order.

Sl.	Entry No. & Functions	Work & office not transferred	Opinion
		MoCHTA & CHTRC were not involved in transferring officers.	
12.	28. Local tourism: • supervision & coordination of own tourism • preparation, adoption & implementation of own planning	<ul style="list-style-type: none"> • Nothing of government / Bangladesh Tourism Corporation has been transferred. • Salaries-Allowances have not been transferred. • Implementation of development programs adopted at national level by the HDCs has not been transferred. 	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

Part : Two

At A Glance: Present State of Implementation of Main Issues of CHT Accord

Main Issues / Provisions	Full Impln.	Partial Impln.	Un -Impln.
A. General			
A.1: Preservation of Tribal-inhabited Feature of CHT Region			√
A.2: Enactment and Amendment of Various Laws			√
A.3: CHT Accord Implementation Monitoring Committee		√	
A.4: Duration of Validity of the Accord			On-going
B. Hill District Local Government Council/Hill District Council			
B.3: Identification of "Non-Tribal Permanent Residents" of the Region			√
B.4(d): Issuance of Certificate to the non-tribal People			√
B.9: Qualification of a Voter and Voter List			√
B.13 & 14: Appointment of Officers and Employees of the Council	√		
B.19: Development Planning			√
B.24 & 25: District Police			√
B.26: Special Provision relating to Land			√
B.27: Collection of Land Development Tax			√
B.28, 29 & 32: Special Prerogatives of the HDCs			√
B.34 Subjects under Jurisdiction of HDC and their Transfers		√	
C. Chittagong Hill Tracts Regional Council			
C.1: Formation of Regional Council	√		
C.9(a): Supervision and Coordination of HDC functions			√
C.9(b): Supervision and Coordination of Local Councils including the Municipalities		√	
C.9(c): Supervision and Coordination of General Administration, Law & Order and Development			√
C.9(d): Coordination of Disaster Management and Relief Program including NGO Activities			√
C.9(e): Coordination and Supervision of Tribal Customary Laws and Community Adjudication			√
C.9(f): Issuance of Licenses for Heavy Industries			√
C.10: General and Overall Supervision over CHT Development Board			√
C.11: Removal of Inconsistencies of CHT Regulation of 1900 and other related Acts		√	

Main Issues / Provisions	Full Impls.	Partial Impls.	Un-Impln.
C.13: Prerogatives of CHT Regional Council in Making Law			√
D. Rehabilitation, General Amnesty and Other Matters			
D.1: Rehabilitation of India-returnee Refugees		√	
D.1 & 2: Rehabilitation of the Internally Displaced People			√
D.3: Settlement of Lands with the Landless			√
D.4, 5 & 6: Land Commission and Land Dispute Resolution			√
D.8: Cancellation of Leases on Lands allotted for Rubber and other Plantation	√		
D.9: Allocation of Funds and Encouragement on Tourism		√	
D.10: Preservation of Quota and providing Stipend		√	
D.11: Distinctness of Tribal Customs & Culture			√
D.13: Deposit of Arms and Ammunitions by the Members of the PCJSS			√
D.14 & 16(b): General Amnesty and Withdrawal of Cases		√	
D.16(d)(e)(f): Loan Exemption, Reinstatement in Service and Rehabilitation of Members of the PCJSS		√	
D.17: Withdrawal of Temporary Camps and Transfer of Abandoned Lands			√
D.18: Appointment of Permanent Residents in all kinds of Services on Priority Basis	√		
D.19: Ministry of CHT Affairs	√		
Main Issues : 37 4	9	24	

"A.4: Duration of Validity of the Accord" is an ongoing process

Part : Three

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

Reposing full and 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) 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 Chiefs" respectively.
 - d) The following sub-section shall be added to section 4: "Whether a person is a non-tribal or not and, if so, which community he is a member of, shall be determined, subject to his producing a certificate from the concerned Mouza Headman/Union Council Chairman/Municipality Chairman, by the concerned Circle Chief and without a certificate in this connection being received from the Circle Chief, no person shall be eligible as a non-tribal to be candidate for the post of a non-tribal member".
5. It is provided in Section 7 that a person elected to the post of Chairman or Member shall, before assumption of office, swear or affirm oath before the Commissioner, Chittagong Division. This shall be amended by provisions to the effect that the Members shall swear or affirm oath before "a Judge of the High Court Division" instead of the "Commissioner, Chittagong Division".
6. The words "to the Commissioner, Chittagong Division" appearing in the fourth line of section 8 shall be substituted by the words "as per election rules".

7. The words "three years" in the second line of Section 10 shall be substituted by the words "five years".
8. It shall be provided in Section 14 that in the event of the post of Chairman falling vacant for any cause or of his absence, a tribal member elected by other members of the Council shall preside over and discharge other responsibilities.
9. The existing Section 17 shall be substituted by the following sentences: "A person shall be entitled to be considered as legally eligible for enlistment in the Voters' List if he is (1) a citizen of Bangladesh, (2) not below 18 years of age, (3) not declared by any competent court to be of unsoundly mind, (4) a permanent resident of the hill district.
10. The words "delimitation of constituencies" appearing in sub-section 2 of Section 20 shall be distinctly incorporated.
11. There shall be a provision in sub-section 2 of Section 25 to the effect that the Chairman and in his absence, a tribal Member elected by the other Members shall preside over all the meetings of the Council.
12. Since the entire area of Khagrachari district is not encompassed by the Mong Circle. the words "Khagrachari Mong Chief" appearing in Section 26 of the Act regarding Khagrachari Hill District Council shall be substituted by the words "Mong Circle Chief and Chakma Circle Chief". Similarly, there shall be made a scope for the attendance of the Bohmang Chief in the meetings of Rangamati Hill District Council. In the same manner there shall be provision that the Bohmang Circle Chief, at his will or on being invited, shall be entitled to attend the meetings of Bandarban Hill District Council.
13. It shall be provided in sub-section (1) and (2) of Section 31 that a Chief Executive Officer of the rank of a Deputy Secretary to the government shall be the Secretary of the Council and the tribal officers shall be given preference for appointment to this post.
14. a) There shall be provision in sub-section (1) of Section 32 that the Council shall be competent, subject to approval by the government, to create posts of officers and employees of different categories for the purpose of smooth completion of the works of the Council.
- b) Sub-section (2) of the Section 32 shall be formulated in the following manner
 "The Council shall, as per Regulations, have competence to appoint Class-III and Class-IV employees and to transfer, suspend, dismiss, remove or otherwise punish them.
 Provided that it shall be the condition attached to such appointments that the tribal residents of the district concerned shall have right of preference".
- c) It shall be provided in sub-section (3) of Section 32 that the Government shall, as per Regulations, have the authority to appoint officers in consultation

- with the Council and to transfer elsewhere, suspend, dismiss, remove or otherwise punish them.
15. The Words as per Rules shall be inserted in sub-section (3) of Section 33.
 16. The words "or in any other way determined by the Government" appearing in the third line of sub-section (1) of Section 36 shall be deleted.
 17. a) The provision starting with "Fourthly" in sub-section (1) of Section 37 of the original Act shall remain in tact.
b) The pharae "as per as" shall inserted in clause 'D' of sub-section (2) of Section 37.
 18. Sub-section (3) of Section 38 shall be deleted and sub-section (4) shall be formulated as follows: "At any time before the expiry of a financial year, a budget may be prepared and approved, if necessary, for that financial year".
 19. The following sub-section shall be added to section 42: "(4) The Council shall be competent to prepare, undertake and implement, with the help of money receivable from the Government, development projects in respect of the matters transferred to it and all development programs at national level shall be implemented through the Council by the concerned Ministry / Department / Institution".
 20. The word "Government" appearing in the second line of sub-section (2) of Section 45 shall be substituted by the word "Council".
 21. Sections 50, 51 and 52 shall be repealed and in their stead the following Section shall be enacted: "In order to ensure harmonization of the activities of the Council advice or instructive orders, if necessary, if the Government be convinced on having received such evidence that any activity done or proposed to be done by or on behalf of the Council is inconsistent with law or contrary to public interest, it shall then have the authority to call for in writing from the Council information and explanation about the matter concerned and give advice or directive in that regard.
 22. The words "after the expiry of the period of being defunct" in Sub-section (3) of Section 53, shall be deleted and instead thereof the words "Within 90 days of cancellation of the Council" shall be inserted before the words "this Act".
 23. The word "Government" will be replaced by word "Ministry" in the third and fourth lines of Section 61.
 24. a) Sub-section (1) of Section 62 shall be amended as follows: "Notwithstanding anything contained in any other law for the time being in force, Sub-Inspectors and all members of ranks subordinate thereto of the Hill District Police shall be appointed by the Council as per Regulations and prescribed procedure and the Council shall be competent to transfer them and take punitive action against them in accordance with the procedure prescribed by the Regulations;

Provided that, the tribals of the district shall have preference in case of the said appointment.

- b) The words "subject to the provisions of all other laws for the time being in force" as appear in the second line of sub-section (3) of Section 62 shall repealed and substituted by the words "as per law and rules".

25. The words "to render assistance" in the third line of Section 63 shall remain in tact.

26. Section 64 shall be amended and enacted as follows:

- a) "Notwithstanding anything contained in any other law for the time being in force, no land and premises, including the leasable Khas lands, within the territorial limits of the Hill Districts shall be transferable by Ijara, settlement, purchase or sale except with the prior permission of the Council;

Provided that this provision shall not be applicable in respect of the area of Reserved Forest, Kaptai Hydro-electric Project, Betbunia Satellite Station, State-owned in the industries and factories and the lands recorded in the name of the Government".

- b) "Notwithstanding anything contained in any other law for the time being in force, No land, hill or forest under the controlled and within the jurisdiction of the Council shall be acquired or transferred by the Government without consultation with or the consent of the Council.
- c) The Council may supervise and control the works of the Headmen, Chainmen, Amins, Surveyors, Kanungos and Assistant Commissioner (land).
- d) The reclaimed fringe lands of Kaptai Lake shall be leased out on priority basis to the original owners.

27. Section 65 shall be amended and formulated as follows: "Notwithstanding anything contained in any other law for the time being in force, the responsibility of collecting the Land Development Tax of the district shall rest in the hands of the Council and the collected tax of the district shall be deposited in the fund of the Council."

28. Section 67 shall be amended and formulated as follows: "in the event of necessity for harmonization of the works of the Council and the Governmental authorities, the Government or the Council shall raise proposals on specific subject and the harmonization of the works shall be effected through mutual communications between the Government and Council".

29. Sub-section (1) of Section 68 shall be amended and formulated as follows: "With a view to carrying out the purposes of this Act, the Government may, upon consultation with the Council, make Rules through Notification in the Government official Gazette and the Council shall have a rights to apply to the Government for review of the said Rules even after they are already made".

30. a) The words "with prior approval of the Government" in the first and second lines of Sub-section (1) of Section 69 shall be repealed and after the words "may make" in the third line the following proviso shall be added:

"Provided that if the Government does not agree with any part of the Regulations made, it shall be competent to give advice or directive to the Council towards amendments of the said regulations".
- b) The words "conferment of the powers of the Chairman on any officer of the Council" in clause (h) of sub-section (2) of Section 69 shall be deleted.
31. Section 70 shall be deleted.
32. Section 79 shall be amended and formulated as follows:

"If, in the opinion of the council, any law made by the National Parliament or any other authority as applicable to the hill district is one which creates hardship for the said district or is objectionable for the tribals, the Council may, upon stating the cause of hardship or abjection, apply to the Government in writing for amending or relaxing the application of such law and the Government may take remedial measures in accordance with such application".
33. a) The word "discipline" appearing in Item No. 1 under the heading the activities of the Council in the First Schedule shall be substituted by the word "supervision".
- b) In Item No. 3 of the Council's activities, the following shall be added: "(1) Vocational education, (2) Primary education through mother tongue, (3) Secondary education".
- c) The words "reserved or" appearing in Clause 6(b) of the Council's activities shall be deleted.
34. The following subjects shall be included in the functions and the responsibilities of the Hill District Council:
 - a) Land and land management;
 - b) Police (local);
 - c) Tribal law and social justice;
 - d) Youth welfare;
 - e) Environmental protection and development;
 - f) Local tourism;
 - g) Improvement Trust and other institutions concerning local administration, other than Municipality and Union Council;
 - h) Issuing license for local commerce and industries;
 - i) Proper utilization of rivers and streams, canals and Beels and irrigation system other than water resources of the Kaptai Lake;

- j) Maintaining of the statistics of birth and deaths;
 - k) Wholesale business;
 - l) Jum cultivation.
35. The following items shall be added to the subjects for imposition of taxes, rates, tolls and fees by the Council as stated in the Second Schedule:
- a) Registration fees of non-mechanical transports;
 - b) Tax on buying and selling of commodities;
 - c) Holding tax on lands and buildings;
 - d) Tax on selling of domestic animals;
 - e) Fees for community adjudication;
 - f) Holding tax on Government and Non-government industries;
 - g) A specified part of the royalty on forest resources;
 - h) Supplementary Tax on Cinema, Jatra and Circus;
 - i) Part of the royalty received by the Government against granting Licenses or Pattas for the exploitation of mineral resources;
 - j) Tax on business;
 - k) Tax on lottery;
 - l) Tax on catching Fish.

(C) CHIITAGONG HILL TRACTS REGIONAL COUNCIL:

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

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

Of the male tribal Members, 5 shall be elected from the Chakma tribe, 3 from the Marma tribe, 2 from Tripura tribe, 1 from the Murung and Tanchangya tribes and 1 person from amongst the Lusai, 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 shall be final.
 - b) This Council shall coordinate and supervise the Local Council, including the municipalities.
 - c) The Regional Council shall coordinate and supervise the three hill districts in matters of general administration, law and order and development.
 - d) The Council shall coordinate the activities of the NGOs in addition to disaster management and carrying out the relief programs.

- e) Tribal law and community adjudication shall be within the jurisdiction of the Regional Council.
 - f) The Council shall be competent to grant License for heavy industries.
10. The Chittagong Hill Tracts Development Board shall discharge the assigned duties under the general and overall supervision of the Council. The Government shall give preference to the eligible tribal candidates in appointing the Chairman of the Development Board.
 11. The Chittagong Hill Tracts Regulation of 1900 and other related Acts, Rules and Ordinances being found inconsistent with the Local Government Council Acts of 1989, it shall be removed by law as per advice and recommendations of the Regional Council.
 12. Until the formation of the Regional Council through direct and indirect election, the Government shall be competent to constitute an interim Regional Council and to empower it to discharge the responsibilities of assignable to the Council.
 13. In making any law in connection with Chittagong Hill Tracts, the Government shall enact such law in consultation with and as per advice of the Regional Council. If it becomes necessary to amend any law which bears an adverse effect on the development of the three hill districts and welfare of the tribal people or to enact new law, the Council shall be competent to apply or submit recommendations to the Government.
 14. The sources of the Council Fund shall be as follows:
 - a) Money received from the District Council Fund;
 - b) Money or profits received from all the properties vested in or managed by the Council;
 - c) Loans and grants from the Government and other authorities;
 - d) Grants given by any institution or person;
 - e) Profits earned from the investments of the Council Fund;
 - f) Any money received by the Council;
 - g) Money received from other sources provided to the Council as per direction of the Government.

(D) REHABILITATION, GENERAL AMNESTY AND OTHER MATTERS:

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

1. With a view to bringing the tribal refugees staying in the Tripura State of India back

to the country, an agreement was signed on the 9th day of March, '97 at Agartala of Tripura State between the Government and the Leaders of tribal refugees. In pursuance of that Agreement, the tribal refugees started coming back to the country since 28th day of March, '97. This process shall remain un-hindered and to that end all possible cooperation shall be given from the end of the Jana Samhati Samiti. After ascertaining the identity of the Internally Displaced Persons of the three hill districts, rehabilitation measures shall be undertaken through a Task Force.

2. After the signing the Agreement between the Government and the Jana Samhati Samiti and implementation thereof and rehabilitation of the tribal refugees and internally displaced tribals, the Government shall, as soon as possible, commence, in consultation with the Regional Council to 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 the rehabilitated refugees, have full authority to annul the rights of ownership of those hills and lands which have been illegally settled and in respect of which illegal dispossession has taken place. No appeal shall be maintainable against the judgment of this Commission and the decision of this Commission shall be deemed to be final. This provision shall be applicable in case of Fringe-lands.
5. This Commission shall be constituted with the following Members:
 - 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 efflorescence at national level.
12. The Jana Samhati Samiti shall, within 45 (forty five) days of the signing of this Agreement, submit lists of all its members to the Government including the armed ones, and the particulars of arms and ammunitions in its possession and within its control.
13. The Government and the Jana Samhati Samiti shall, within 45 (forty-five) days of the signing of this Agreement, jointly determine the date, time and place for deposit of arms. After the determination of the date and place for deposit of arms and ammunitions of the listed members of Jana Samhati Samiti, all sorts of security shall be provided for the return of the members of Jana Samhati Samiti as per list also of their family members to normal life.
14. The Government shall declare amnesty for those members who will deposit arms and ammunitions on the scheduled date. The Government shall withdraw all those cases which were lodged against them.
15. In the event of any person's failing to deposit arms within the specified time limit, the Government shall take legal action against such a person.
16. A general amnesty shall be given to all the members of the Jana Samhati Samiti after their return to normal life and a general amnesty shall also be given to all the permanent inhabitants connected with the activities of the Jana Samhati Samiti.

- a) For the purpose of rehabilitating the returning members of the Jana Samhati Samiti, Taka 50,000/00 per family shall be given at a time.
 - b) After deposit of arms and return to normal life of all such members, including the armed ones, of the Jana Samhati Samiti against whom cases were filed, warrants of arrest were issued, 'hulias' were published or sentence was given on trial in absentia, as against them all cases shall be withdrawn, warrants of arrest and 'hulias' shall be called back and sentence given in absentia shall be remitted as early as possible. If any member of the Jana Samhati Samiti is in Jail, he too shall be set at liberty.
 - c) Similarly, after deposit of arms and return to normal life, no case shall be filed against or punishment be given to or arrest be made of any person merely on account of his/her being a member of the Jana Samhati Samiti.
 - d) The loans which were taken by such members of the Jana Samhati Samiti from Government Banks and Establishments, who could not have utilized such loan properly on account of the state of belligerency, shall be remitted with interest.
 - e) Those of the returned members of the Jana Samhati Samiti, who were previously in the service of the Government or of government organizations, shall be reinstated to their respective posts and the members of the Jana Samhati Samiti and members of their families shall be given employment in accordance with their qualification. In this respect, government policy regarding relaxation of age-bar for them shall be followed.
 - f) Priority shall be given to the members of the Jana Samhati Samiti in giving bank loans on simple terms with a view to helping their self-employment generating activities such as cottage industries, horticulture, etc.
 - g) Education facilities shall be provided to the children of the members of the Jana Samhati Samiti and their certificates obtained from foreign Boards academic Institutions shall be treated as valid.
17. a) After the signing and execution of the Agreement between the Government and the Jana Samhati Samiti and immediately after return of the members of Jana Samhati Samiti to normal life, all the temporary camps of the army, the Ansars and the Village Defence Party (VDP), excepting the Border Security Force (BDR) and permanent army establishment (being those three at the three district headquarters and those at Alikadam, Ruma and Dighinala), shall be taken back by phases from Chittagong Hill Tracts to permanent cantonments and the time-limit shall be fixed for its purpose. In case of deterioration of the law and order situation, in time of normal calamities and for similar other purposes, Army Forces may be deployed under the authority of the civil administration in adherence to Law and Rules as are applicable to all the other parts of the country. In this respect, the Regional Council may, in order to get the required or timely help make requests to the appropriate authority.

- b) The lands and premises abandoned by the cantonments, the camps of the military and para-military forces shall be make over to their real owners or to the Hill District Councils.
18. Against all the posts of officers of all ranks and employees of different classes in government, semi-government, local government and autonomous bodies of the Chittagong Hill Tracts, the permanent dwellers of the Chittagong Hill Tracts shall be appointed, subject to priority being given to the tribals. But, in case of non-availability of a qualified person among the permanent dwellers of Chittagong Hill Tracts for any post, appointment may be made to such post on deputation from the Government or for a definite period.
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 Chattgram 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 security personnel were deployed in the CHT; over 500 military camps were established; 1 security personnel to every 7 indigenous persons.
- 1979-1985 : More than 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.

