

Report on the Status of Implementation of the CHT Accord

Signed in 1997 between
The Government of Bangladesh and the PCJSS



Parbatya Chattagram Jana Samhati Samiti



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Parbatya Chattagram Jana Samhati Samiti (PCJSS)
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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	Parbatya Chattagram Jana Samhati Samiti
UNO	Upazila Nirbahi Officer

EDITORIAL

This year earmarks the passing of 15 years since the signing of Chittagong Hill Tracts (CHT) Accord on 2 December 1997 between the Parbatya Chattagram Jana Samhati Samiti (PCJSS) and the then Awami League led Government of Bangladesh (GoB) headed by PM Sheikh Hasina. In the mean while, the present Grand Alliance Government led by Awami League has almost consumed 4 years of its tenure in the power. But as of today, the government has not stepped up any measure that is effective towards implementation of the Accord. Despite its prioritized commitment in the Election Manifesto and continued strong demand of the Jumma peoples and the civic society of the country, the government has not yet come up with a time-framed 'Road Map' directing to implementation of the Accord.

As it has always been, this government also let the three Hill District Councils (HDCs) and the CHT Regional Council (CHTRC) remains dysfunctional. Trampling the public interest, all the three HDCs have been converted into a institutionalized hub of corruptions. No measures leading to holding of elections in the HDCs and CHTRC have so far been initiated and to that end the Election Rules and Electoral Rolls Rules also have not yet been formulated as per the terms of the Accord and the subsequent laws, the HDC Acts. During the period of present government even no subject has been transferred to the HDCs except 7 offices/institutions of the previously transferred subjects of the HDCs. Though the task of bringing amendment to the CHT Land Dispute Resolution Commission Act 2011 (Act 53 of 2011) has been taken up since August 2009 yet it has been left aside on various lame excuses. Initially, although there was a withdrawal of 35 temporary camps including Kaptai brigade headquarters, but no further initiative has been taken to wind up the 'Operation Uttoron' (Upliftment) and other more than 400 temporary army stations laid across the region. The government also maintains total silence on the issue of rehabilitation of the internally displaced Jumma peoples. Despite the formation of Accord Implementation Committee and the Task Force for Rehabilitation of Returnee Refugees and Internally Displaced Jumma peoples, the related activities have been kept unexecuted and the said committees are made almost ineffective. The Ministry of CHT Affairs appears to have miserably failed in playing any significant positive role in the implementation of the Accord and overall development of the CHT.

So far, it is due to non-implementation of the Accord, basically, no improvement could have been brought in the situation of CHT, as a whole. The military supremacy in all

spheres is in place as it was during the pre-Accord days. Suppression of the State machineries over the Jumma peoples remains still alive as before. Under the patronization of 'Operation Uttoron' and with the assistance of the local administration, the Bengali settlers under the leadership of so-called Sama Odhikar Andolon (Equal Rights Movement) in league with the ultra-communal quarters, are conducting attacks on the Jumma dwellings with an intention to occupy their lands and homesteads forcibly. The process of dislodging the Jumma peoples from their recorded or traditionally occupied lands including Jum fields, on the plea of the expansion of cantonment areas, establishment of so-called eco-park and tourism centers, giving lease to the outsiders, declaration of reserved forests etc, has been intensified. Ethnic cleansing programme is being executed by way of setting fire on the Jumma dwellings, plundering household goods and valuables and livestock, attacking on innocent Jumma villagers including raping and killing of Jumma women, etc. On the other end, the GoB has put in the track an anti-accord terrorist armed group named United Peoples Democratic Front (UPDF), to continue to terrorise the peoples with forcible extortion of money, ransom, abduction and killings and thereby create a panic-stricken situation to fish in the muddy water.

It has been a question whether the GoB has adopted double standard policy intending to put the CHT issue under the carpet and with this in view, it has whether, in the one hand put some ministers and high officials, who on behalf of the government, are noticeably vocal in various occasions, seminars, meetings and assemblies for making statements about goodwill gesture of the GoB on the implementation of the Accord while on the other hand, some ministers and state ministers continue to render statements designed to ultramotivated, confusing and distorted presentations of facts. There is also a process to cover the non-implementation of the Accord through making statements by the ministers and bureaucrats as given below:

- (a) That the task of implementation of the Accord is a process of protracted nature or a process demanding a long time;
- (b) That president of Parbatya Chattagram Jana Samhati Samiti (PCJSS) does not extend co-operation rather he creates obstructions;
- (c) That the hill leaders do not want development in the region;
- (d) That the persons in the chairs of CHT Regional Council and the HDCs (Hill District Councils), do not want to relinquish their chairs;
- (e) That it is due to objections raised by the president of PCJSS over some sections of the CHT Land Dispute Resolution Commission Act, the disputes over lands in CHT could not get started.

It is noted that the said absurd and ambiguous statement was given by the GoB representative in the 10th Session of the UN Indigenous Peoples Forum in 2012.

With this heinous propaganda involved are the quarters belonging to the fundamentalists, ultra-communalists and ultra-nationalists. Before signing of the CHT Accord, as it was a mean culture whereby various publications against the justified struggle of the Jumma

peoples would have been published and circulated in the forms of books and booklets at the patronization of influential quarters of vested interest, so is the same manner, in recent days, various books and posters of similar kinds against the CHT Accord and constitutional recognition of the indigenous peoples are being published and circulated by names or in pseudonym. There have come up, in the same line some identified national dailies – the heirs and bearers of fundamentalism and ultra-communalism, resorting to far-fetched imagination, politically motivated arguments and mis-propagating that if the CHT Accord is implemented, the indigenous peoples are constitutionally recognized, and the contradictory provisions of the CHT Land Dispute Resolution Commission Act are modified, then the sovereignty and integrity of the country will be thrown into the threats. Mis-propaganda is being spread even saying to the extent that if the western world in collaboration with the United Nations are in a far-reaching conspiracy to turn CHT into a non-Muslim region through earning recognition as indigenous peoples, in a bid to constitute CHT as an independent Christian state like Southern Sudan or East Timur. In this regard, PCJSS is in the opinion that basically, this sort of false and baseless propaganda is being run with a view to making CHT a close door slaughter house through stopping support of the international community toward the oppressed indigenous Jumma peoples of CHT and to obstructing to proper implementation of the CHT Accord and thereby achieving success in making CHT a completely Muslim populated region through continuing political migration of plain landers, forcible land grabbing and land based human rights violations against the Jumma peoples under the aegis of both the civil and military authorities.

The present Grand Alliance Government passed the 15th Amendment to the Constitution in the Parliament on 30 June 2011. PCJSS, the civic society of the country, Parliament Caucus on Indigenous Peoples and many others, in the line of the Accord, placed demands for recognition of ethnic entity of indigenous Jumma people, making statutory provision for the CHT Regional Council Act and the three Hill District Council Acts in the Constitution. It is noted that during the signing of the CHT Accord in 1997 PCJSS raised the demands for constitutional guarantee of the CHT Laws. But, the then Awami League led government expressed its inability to do so at that time on the ground that it did not have required majority in the house. However, they provided assurance of the constitutional guarantee, if they could attain requisite majority in the future. The Awami led present Grand Alliance Government did not keep its assurance on the issues during the 15th amendment to the Constitution.

On the contrary, by the 15th Amendment to the constitution the Awami League led government defined the entire peoples of Bangladesh including indigenous Jumma peoples as 'Bangalee' and denied recognising ethnic peoples as indigenous 'peoples'. It, however, termed Indigenous peoples as 'tribe', 'minor races', 'ethnic sects' and 'communities', which have not been acceptable at all. It is also notable that ignoring the verdict of the Supreme Court, the government refrained from resuming all the four principles of the state - Nationalism, Democracy, Secularism and Socialism and retained

the Islam as the religion of the State and maintained the words 'Bismillah-ar-Rahman-ar-Rahim' in the Constitution.

Based on two separate cases filed by Bodiuzzaman in 2000 and Advocate Tazul Islam in 2007, the High Court Bench of the Supreme Court gave verdict on 12-13 April 2010 declaring the CHTRC Act and some of the important sections of HDC Acts to be unconstitutional and illegal. An appeal was made by the government against the judgment of the High Court Division, and the Appellate Division of the Supreme Court ruled a 'stay order' for the verdict given by the High Court for six weeks. Later on, the stay order was extended up to the date fixed for filing regular Appeal case. Finally, a seven-member bench headed by the Chief Justice ruled a 'stay order' for the verdict of the High Court until the settlement of the regular Appeal made to the Appellate Division. It is a matter of grave concern that lack of seriousness of the government to speedy resolution of the said Appeal has been evident.

In fact, there is no alternative to the implementation of the CHT Accord for proper political solution to the CHT problem and establishing perennial peace in CHT. PCJSS is to stride ahead towards the precise and fullest implementation of the CHT Accord by removing all these obstructions. PCJSS calls for a speedy initiative of the GoB by having a 'Road Map' of the implementation of the Accord declared, in order to ascertaining ethnic entity of the indigenous Jumma peoples, the democratic good governance, pro-people and environmentally balanced development in CHT and thereby ensuring ethnic peace and harmony and all round development in the region.

In this regard, it is also important to have proper support to the GoB by the international community and all others either of national and local levels for proper implementation of the CHT Accord with priority given to the basic issues, such as, resolution of land disputes through amendment of the CHT Land Dispute Resolution Act, 2001, transfer of the subjects to the HDCs particularly the Police (local), Land and Land Management, Secondary Education and Local Tourism, appointment of the permanent inhabitants in all posts in CHT, making of the Electoral Rolls Rules of HDCs and Election Rules of CHTRC and having development programmes properly executed through involvement of the CHT Administrative Set up (HDCs, CHTRC and MOCHTA) as per the concerned legislation in CHT region and for ensuring validity of the CHT Accord until its fullest implementation.

It is, of course, noted that the Information and Publicity Department of the PCJSS, with a view to articulating the concerned quarters and individuals on the present state of the CHT Accord, has taken up the initiative for bringing out the updated version of this publication. Therefore it is expected that this initiative would help the readers to build idea properly on the exact position of process of the implementation of the Accord and it would help raise concern in support of the implementation of the Accord so that the whole issue could not go out of control of both the Government and the PCJSS.

**At a Glance: Present Status of Implementation of CHT Accord
January 2013**

Section of Accord and Subject	Implementation Status of the Accord	Remarks
<u>Part A: General</u>		
Section-1: Preservation of the tribal-inhabited features of CHT region	No legal and administrative measures for preservation of tribal-inhabiting features in CHT have been taken so far.	Despite popular demand, tribal-inhabited status was not included in the Constitution even during 15th Amendment to the Constitution.
Section 2: Alteration, Amendment and Addition to Relevant Laws, Regulations and Practices	CHT Regional Council Act 1998, three Hill District Acts (Amendment) and the Rules of Business of MoCHTA have been formulated and enacted	No necessary amendments have been brought in the concerned regulations and ordinances, such as, Bangladesh Police Act, Forest Act, Local Government Bodies Acts, CHT Regulation 1900 and CHTDB Ordinance 1976 to abridge the anomalies with the laws enacted in light of the CHT Accord.
Section 3: CHT Accord Implementation Committee	The Committee reconstituted.	No office setup, appointment of staff and allocation of fund for the Committee were made.
Section 4: Validity of CHT Accord	Validity of the important provisions of the Accord particularly relating to CHTRC Act and HDCs Acts have been thrown into uncertainty due to the verdicts of High Court on the two related cases provided on 13 April 2010 which was stayed by the Appellate Division.	During the 15th amendment to the Constitution, the government did not include the CHTRC Act, 1998 and three HDC Acts, 1998 (Amendment) enacted as per CHT Accord in the First Schedule of the constitution as 'Effective Laws'.

Section of Accord and Subject	Implementation Status of the Accord	Remarks
Part B: Hill District Council		
Amendment to the three Hill District Council Acts	Three HDC Acts were amended. However, the provision relating to Development was not amended properly as per CHT Accord. The Deputy Minister status of HDC Chairmen was not restored.	Rules of Business of the HDCs are yet to be formulated and the provision relating to the development is yet to be amended.
Section 3: Definition of "Non-Tribal Permanent Residents"	The definition of 'Non-Tribal Permanent Residents' has been defined in the Act properly.	Even though there is specific definition made in the Act, the government continues to provide the non-tribal outsiders with support and various facilities as permanent residents.
Section 4(5): Issuance of Permanent Resident Certificate by the Concerned Circle Chief	This has already been included in the HDC Acts and concerned circle chief has been determined as the authority for issuing certificate. But on 21 December 2000, violating the Act, an administrative order was issued by the MoCHTA to the effect that Deputy Commissioners of the hill districts shall be in competency to issue permanent resident certificates alongside the Circle Chiefs.	Despite repeated demand for withdrawal of the office order issued in violation of the law on 21 December 2000, the government has taken no measures to that effect. Consequently, non-permanent non-Tribal residents too continue getting Permanent Resident Certificates from the concerned Deputy Commissioner.
Section 9: Making Electoral Rolls Rules and Preparation of Voter Lists	The provision of preparing Electoral Roll with only the permanent residents in the three hill districts has been included in the Act.	Election Rules and Electoral Rolls Rules of HDCs were drafted in 2002 and CHTRC as per its provision placed recommendations on them timely. But the GoB is yet to finalise. On the other, parliament and local council elections continue holding with voter lists enrolled with both permanent and non-permanent residents.

Section of Accord and Subject	Implementation Status of the Accord	Remarks
Section 13: Appointment of Jumma Officers and Employees in CHT	The provision for appointment prioritizing to the Jummas has been included in the Act.	But despite the inclusion in the Act to that effect, the provision is not being made effective properly. The appointment process continues unabated with severe corruptions and party-line appointments.
Section 19: Development Projects and Developmental Works	Provisions relating to development programs were not included in the Act properly.	The government has not amended the rule as per the Accord.
Section 24: Appointment in the Hill District Police Force	The provision has been included in the ACT.	This provision has not been executed.
Section 33(a) & 34(b): Improvement & Supervision of the law and order and Hill District Police Force	The subjects 'Improvement and Supervision of Law & Order in the Hill District' and 'Police (Local)' have been included in the Act.	The subjects have not yet been taken under the jurisdiction of the HDCs. DCs and SPs have been exercising this power ignoring the HDCs.
Section 26: Prohibition in transfer and acquisition of land without prior approval of the HDCs	Provision has been included in the Act.	This provision has not been put into force as yet and is being violated by the government.
Section 34(a): Land and Land Management	The subject 'Land and Land Management' has been included in the Act as a subject of HDCs.	The subjects have not yet been transferred to the HDCs.
Section 33 & 34: Subjects and Functions under the HDCs and Their Transfer	The provision of transferring 33 subjects including 12 new subjects as per Accord has been included in the Act. 12 subjects, out of 33, have been transferred to the HDCs so far. 7 offices/ works of previously transferred subjects have been transferred during the period of present government.	But no important subject, such as, Law & Order, Police (local), Land & Land Management, Secondary Education, Forest & Environment, local Tourism, etc. has yet been transferred to the HDCs.

Section of Accord and Subject	Implementation Status of the Accord	Remarks
Part C: CHT Regional Council		
Enactment of CHT Regional Council Act and its Infrastructure	The CHT Regional Council Act was enacted on 6 May 1998. The Interim Regional Council was constituted in May 1999.	The Rules of Business of the CHTRC has not yet been formulated. As a result, the Regional Council has remained non-functional. No initiative has been taken to implement the CHTRC complex project.
Section 9(a): Supervision and Coordination of Three Hill District Councils	The provision has been included in the Act.	Despite inclusion of the provision in the act, the power of supervision and coordination is not being put into force.
Section 9(b): Supervision and Coordination of Local Bodies Including Municipalities	The provision has been included in the Act.	Local Council Acts has not been amended in consistence with the CHT Acts and out of political reasons the local councils do not abide by this provision of the CHTRC Act.
Section 9(c): Supervision and Coordination of the General Administration, Law & Order & Development	The provision has been included in the Act. An office circular was issued from Cabinet Division stating that the CHTRC would supervise and coordinate the general administration, law & order and development activities.	This provision, out of political reasons, is not abided by the Deputy Commissioners and the Superintendents of Police of the three hill districts and their subordinates in CHT.
Section 9(d): Coordination of NGO Activities and conducting of Disaster Management and Relief Operation	The provision has been included in the Act. Cabinet Division issued a circular on the matters.	Though this provision has been accorded in the Act but has not been implemented as yet. The process of Disaster Management and Relief Management are being continued by the DCs leaving the CHTRC aside, as it has been earlier.
Section 10: General and Overall Supervision of the CHT Development Board	The provision has been included in the Act.	Though there is provision in the Act, the CHTDB authority ignores the law. The CHTDB Ordinance is yet to be amended as per the Accord.

Section of Accord and Subject	Implementation Status of the Accord	Remarks
Section 11: Removal of inconsistencies of CHT Regulation 1900 and other related Acts, Rules & Ordinances	No measure has yet been undertaken by the government in this regard. While the Local Government Hill District Councils were introduced in 1989, the GoB issued an order on 29 October 1990 that CHT Regulation would be functional fully.	No fresh office order expressing to the effect that 'CHT Regulation shall be effective subject to the provisions of the CHT Accord' has been issued having the 'office order' of dated 29-10-1990 on the effectiveness of the CHT Regulation, 1900 cancelled.
Section 13: Making Law on the CHT Affairs	The provision for framing up laws related to CHT by the government in consultation with CHTRC has been included in the Act.	This section of the Act is not being followed by. While framing up laws, the CHTRC is not being consulted with and recommendations of CHTRC are not being accepted.
Part D: Rehabilitation, General Amnesty and Other Matters		
Section 1: Repatriation of the Jumma Refugees	As per the 20-Point Package Agreement, 12,222 families numbering altogether 64,609 tribal refugees repatriated to CHT from Tripura State of India. Most of the families got financial privileges.	From among the tribal refugees, 9,780 families have not yet got back their lands and homesteads and hence could not go back to their homes. 890 families have not got money to purchase cattles for ploughing and loan of 642 refugees has not been exempted.
Section 1 & 2: Rehabilitation of Internally Displaced Jumma People	Present GoB reconstituted the Task Force. In an illegal meeting held in 2000, the earlier Task Force led by Dipankar Talukdar, MP, unilaterally declared 90,208 tribal families and 38,156 settler families to be internally displaced families. Violating the Accord, a letter dated 19-07-1998 was sent to the Task Force from the Special Affairs Division directing to rehabilitate the Muslim Bengali settlers under the status of 'internally displaced families' in CHT.	The Internally Displaced Jumma Peoples are yet to be rehabilitated. Though it was decided to withdraw said Office Order issued from the Special Affairs Division on 19-07-1998 whereby the Muslim settlers were taken into account as 'IDPs', it has not yet been withdrawn.

Section of Accord and Subject	Implementation Status of the Accord	Remarks
Section 3: Settlement of Land with the Landless Jumma People	The government has not acted upon this so far.	No measure has been taken by the government to that effect. On the other hand, due to having initiative to implement the Ashrayan Prokalpa (Shelter Project), the situation is getting more and more complex in CHT.
Section 4: CHT Land Commission and Settlement of Land Dispute	So far, 4 successive retired justices were appointed as Chairman of the Land Commission. Following the expiry of service tenure of the latest Chairman Khademul Islam Chowdhury on 18 July 2012, the Chairman post of Land Commission remains vacant. The CHT Land-disputes Resolution Commission Act, 2001 with several sections contravening to the CHT Accord, was passed by the then Awami League government.	Though the Land Commission was constituted, the function of the Commission remains no-starter. Despite holding a series of meetings for bringing amendment to the provisions of Land Commission Act contravening to the Accord, the Act has not yet been amended.
Section 8: Cancellation of Land Leases	During the period of the Awami League-led grand alliance government, though 593 plots of lands given in lease to the outsiders were cancelled in Bandarban district, later on, most of them were restored to the lease holders through the process of various forms of corruption and irregularities.	Of the 2000 plots of lands, the leases of approximately 50 thousand acres of lands were not cancelled. Rather fresh giving of lands in lease commenced and continues.
Section 9: Allocation of Funds for Development of the CHT	Funds are being allocated for the implementation of more projects and construction of necessary infrastructure of CHT, but it is too meager to meet the requirement.	The funds so allocated are not being properly utilized due to corruptions and irregularities with the party-line facilitation.

Section of Accord and Subject	Implementation Status of the Accord	Remarks
Section 10: Quota Reservation and Scholarship for the Jumma Students	There is quota system reserved for the indigenous Jumma students in various academic institutions and job quotas for the Jumma peoples in the government institutions.	However, despite the quota system is already there, it is not being implemented properly. There is no adequate scholarship of indigenous Jumma students for higher education.
Section 11: Patronage to Tribal Culture, Traditions and Customs	The government enacted Small Ethnic Groups Cultural Institutes Act 2010 without having discussion with the CHTRC. Government also termed Jumma people as Bengali through the 15th Amendment to the Constitution.	The successive governments have not taken any step for promotion and preservation and patronization of the traditions and culture of the indigenous people. Rather government continues conspiring for ethnic cleansing.
Section 13: Deposit of Arms and Ammunitions by the Members of the PCJSS	1947 members of PCJSS have laid down their all arms and ammunitions in four phases after the CHT Accord.	
Section 14: General Amnesty and Withdrawal of Cases	General Amnesty has been declared. Decision to withdraw 720 cases lodged against PCJSS members and persons involved in PCJSS and permanent residents of CHT have been taken. However, the decision is yet to be implemented.	Though the decision to withdraw 720 cases has been taken this was not made in the gazette notification by the Home Ministry. In addition, cases pending with the martial court are yet to be withdrawn.
Section 14: Loan Exemption, Reinstatement in Service and Rehabilitation of Members of the PCJSS	The government has provided Taka 50,000 to 1967 members of PCJSS. 64 PCJSS members have been reinstated in their previous jobs. 675 PCJSS members have been appointed in police services and 11 members appointed in police surgent.	1429 projects submitted by PCJSS members for self-employment and income generation have not been approved and bank loans taken by 4 PCJSS members amounting Taka 22,783 are also yet to be exempted.

Section of Accord and Subject	Implementation Status of the Accord	Remarks
Section 17: Withdrawal of All Temporary Military and Paramilitary Camps	Since the signing of CHT Accord, a total of 66 camps out of more than 500 have been withdrawn so far. On the contrary, a kind of 'de facto' military rule has been imposed through promulgation of 'Operation Uttoron' (Operation Upliftment) in 2001.	Around 400 temporary camps are yet to be withdrawn and the military rule maintained under the Operation Uttoran is yet to be lifted.
Section 18: Appointment of Permanent Residents with the Preference to the Jumma Candidates in Services of the CHT	The provision is not being implemented properly.	The CHTRC's recommendation for inclusion of this provision in the concerned appointment/service rules and regulations has not yet been put in force at all.
Section 19: CHT Affairs Ministry and its Advisory Committee	The Ministry on CHT Affairs has been set up. But the Advisory committee has not been reorganized and hence it remains non-functional.	The Ministry is not capable of discharging its duties and responsibilities as per its Rules of Business and does not play supportive role towards implementation of the CHT Accord.

REPORT ON THE STATUS OF IMPLEMENTATION OF THE CHT ACCORD

PREAMBLE TO THE CHT ACCORD

The Preamble to the CHT Accord, lays down, *“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 Affairs, 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 Accord 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.”*

The CHT Accord was approved by the Cabinet Council on 22 December 1997 and published in official gazette. Accordingly, CHT Regional Council Act and three Hill District Council Acts were also passed by the parliament in May 1998.

However, there were no initiative and cooperation extended towards the implementation of the Accord by different ministries, departments, concerned institutions and authorities of the three Hill districts. Rather, there have always been attempts designed to misinterpretation and violation of the Accord to the optimum possible extent on the part of the authorities. Moreover, there has developed a malpractice of re-identifying the Bengali settlers settled in the CHT and other outsider Bengalis infiltrating regularly into the region as “permanent residents” by misinterpreting the words “all citizens” of the CHT mentioned in the Accord, and providing them with all facilities for rehabilitation.

Here, the terms “all the citizens of the CHT” mean all the original inhabitants of the CHT. The citizens or inhabitants of the CHT are “tribal” or indigenous, and the non-tribal people (i.e. Bengali) who live permanently in CHT and have lands in their legal possession. Those who do not have lands in legal possession are treated as settlers or outsiders and that they have no legal right to land in the region. But the government and some quarters of vested-interest are misinterpreting the phrase “all the citizens” as being meant for all the permanent Bengali and non-permanent Bengali residents living in the CHT.

Making this a pretext, these authorities continue to ignore the Accord. The government has taken no step in this regard despite repeated demand by the PCJSS. Therefore, complexities continue to persist at every step of the implementation process of the CHT Accord resulting in the counter-productive impact upon the development programs of the region.

Part A:
GENERAL

Recognition of the CHT as “Tribal Inhabited Region” and Provision to Protect its “Special Character”

Clause 1 of this Part stipulates, *“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”.*

The government has yet to take proper step in this direction. As a result, virtually there has been no initiative or programme on the part of the government for the protection and preservation of the “special character” of the CHT region and its development process. Rather, efforts have been geared up to wipe out the “special character” of the region by adopting various anti-Jumma peoples programmes, such as, rehabilitation of the Bengali settlers in the CHT who were and are being brought in here from the plain districts of the country with an ulterior political design to expunge new cluster villages of the settlers across CHT, supporting and leading them in carrying out communal attacks on the Jumma peoples, illegal land grabbing in the region, inclusion of the Bengali settlers and incoming Bengali outsiders in the electoral enrollment and issuing of fake Permanent Resident Certificate (PRC) to them and providing employment opportunities including lease and settlement of land, which ultimately results in the eviction of the ethnic indigenous peoples. Thus, the envisaged features of “special character” of the “tribal inhabited CHT region,” the identity of the indigenous Jumma peoples and their traditional habitats, life-styles and culture have been put under a serious threat.

As part of this planning, so far, apart from frequent incidents of sporadic arson on Jumma dwellings, at least 15 massive communal attacks were perpetrated during the post-Accord period in different parts of the three hill districts of CHT, obviously, to uproot indigenous Jumma peoples from their ancestral land and to settle down Bengali settlers over there. Moreover, activities to incite communal frenzy in the CHT are being intensified through commissioning a communalist organization of the Bengali settlers called Sama Odhikar Andolan (Movement for Equal Rights). For instances, the communal attacks at Baghaihat under Baghaichai upazila in Rangamati district and Khagrachari municipality in Khagrachari district on 19-20 February 2010; at Bagachadar area under Longadu upazila in Rangamati district on 17 February 2011; at Hafchari area under Ramgarh and

Manikchari upazilas in Khagrachari district on 17 April 2011; at Baghaichari and Dighinala on 14 December 2011; at Rangamati town on 22-23 September 2012 etc. were the latest communal attacks committed by Bengalis settlers in collusion with the security forces and government administrations.

Attack	Date	No. of houses		No. of person killed	No. of person injured	Raped/ sexual harass
		Burnt down	Looted/ Damage			
Baghahat Attack	4 April 1999	--	--	--	51	1
Babuchara Attack	16 Oct 1999	--	74	3	140 (3 monks)	1
Boalkhali-Merung Attack	18 May 2001	42	191	--	5	--
Ramgarh Attack	25 June 2001	126	118	--	Several	--
Rajvila Attack	10 Oct 2002	11	100	--	3	--
Bhuyanchari Attack	19 April 2003	9	--	--	12	--
Mahalchari Attack	26 August 2003	359	137	2	50	10
Maischari Attack	3 April 2006	-	100	-	50	4
Sajek Arson Attack	20 April 2008	78	78	-	-	-
Baghahat (Sajek) Arson Attack	19-20 Feb 2010	435	Same	2	25	-
Khagrachari Arson Attack	23 Feb 2010	61	Same	-	-	-
Longadu Arson Attack	17 Feb 2011	21	6	-	15	-
Ramgarh-Manikchar Attack	17 April 2011	111	-	2	25	-
Baghaichari-Dighinala Attack	14 Dec 2011	-	-	1	11	-
Rangamati Attack	22-23 Sept 2012	-	11	-	117	-

On the other hand, the Muslim Bengali refugees of Arakan, Myanmar who are identified as Rohingya have been settled at Naikhyongchari, Ruma, Lama, Alikadam and Sadar area of Bandarban hill district with direct patronization and supervision of the local administrative authorities. They have been issued PRCs and included in the local voter lists violating the terms of the CHT Accord. All development and employment facilities sanctioned in the name of the local indigenous peoples are being routed to them.

Provisions for Alteration, Amendment and Addition to Relevant Laws, Regulations and Practices

Clause 2 of this Part provides *"Both the parties have agreed to make alter, amend and add to, in consonance with the consensus and responsibilities expressed in the different section of this Accord, the relevant laws, regulations and practices according to law as early as possible"*.

The process of bringing necessary amendments to the concerned Acts in accordance with the Accord has remained unattended. The CHT Regional Council placed its recommendations before the government for necessary amendments to the existing laws, namely, the Electoral Roll Ordinance 1982, the Electoral Roll Rules 1982, the CHT Regulation 1900, Draft Rules on Social Forestry 2001 and the Code of Rules on NGOs. But the government has taken no step in this regard with an exception to the Draft Rules of Social Forestry 2001. On the other side, the CHT Development Board Ordinance, Forestry Act, Union Council Act, Upazila Council Act, Poursava Act, Chittagong Hill Tracts Transit Rules of 1973, Police Regulations of Bengal of 1943, the Chittagong Hill Tracts (Land Acquisition) Regulation of 1958, Rules of the Chittagong Hill Tracts Bazar Fund of 1937 etc. have not yet been amended as per the terms of CHT Accord. In essence, there has been no substantial progress in the process of bringing alteration, amendment and addition to the relevant laws, regulations and practices in accordance with the CHT Accord.

Provisions for the CHT Accord Implementation Committee

Clause 3 of this Part provides, *"In order to monitor the process of implementation of this Accord, 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 Accord: Member*
- c) The President of the Parbatya Chattagram Jana Samhati Samiti: Member*

As per this Clause of the CHT Accord, the Accord Implementation Committee has been formed during the period of Awami League government in 1998. The Committee had had four meetings on 21 March, 16 April, 7 August and 2 November 1998 and another meeting on 1 July 2001. Interestingly, no proceedings or minutes thereof were recorded and no steps had so far been taken to execute the decisions taken at these meetings. On the other hand, the Committee totally remained inactive since the function of the Committee was suspended by dint of an ordinance no. (SM-1)-60/98-229 issued from the CHT Affairs Ministry on 13 September 2001 by then Caretaker Government. The monitoring process of the CHT Accord Implementation Committee discontinued since then. There was no such committee during the tenure of the four party alliances (2001-2006) and the military backed caretaker government (2007-2008).

After assuming the power, on 25 May 2009 Awami League-led present Grand Alliance government appointed Ms. Sajeda Chowdhury, Deputy Leader of the Parliament as representative of Prime Minister as convenor of the Committee. Since then it has held five meetings on 19 August 2009 in Rangamati, 26 October 2009 at Jatiya Sangsad Bhaban, 26 December 2010 in Khagrachari, 22 January 2012 and 28 May 2012 at Jatiya Sangsad Bhaban. The meetings discussed important issues such as, issues of amendment to the CHT Land (Dispute Resolution) Commission Act 2001 in line with the recommendation of the CHTRC, handing over of transferred subjects to the HDCs through the executive order instead of agreement between the respective ministries and the HDCs, finalization of the Rules of Business of both the CHTRC and the HDCs, setting up of offices for the CHTRC, Task Force for the rehabilitation of the Internally Displaced Jumma families and the India Returnee Refugees, the CHT Land Dispute Resolution Commission, and appointment of necessary staffs, allocation of resources and provision of logistics, dismantling of all temporary camps and termination of Operation Uttoron, postponing of land survey unilaterally declared by the chairman of the Land Commission, banning of terrorist organisation of UPDF etc.

It was decided in the meeting that the non-implemented subjects of the Accord would be identified and enlisted and the list would be deposited with the Prime Minister's Office for effective measures. The responsibility of identification and enlistment of the non-implemented subjects of the Accord was entrusted upon two members of the Accord Implementation Committee, namely Mr. Jyotrindra Bodhipriya Larma, President of PCJSS and Mr Jatindra Lal Tripura MP, Chairman of Task Force. The Additional Deputy Commissioner (General) of Khagrachari Hill district was appointed to provide them secretarial assistance. In the meeting, it was also decided to postpone the judicial process unilaterally declared by the Chairman of CHT Land Dispute Resolution Commission.

In the last two meetings of the Committee, the 13-point amendment proposals of CHT Land Dispute Resolution Commission Act of 2001 finalised jointly by CHT Regional Council and CHT Affairs Ministry were adopted unanimously and in every meeting decision was taken to place the amendment proposal in next parliamentary session. However, no step has been taken to that effect including the implementation of the above issues.

Provisions for the Validity of the CHT Accord

Clause 4 of this Part provides, 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.

Further it is noted that over the two separate cases filed by Bodiuzzaman in 2000 and Advocate Tazul Islam in 2007, the High Court Division of the Supreme Court gave verdict on 12-13 April 2010 terming the CHT Regional Council Act and some of the important sections of the Hill District Council Acts as unconstitutional. However, the Court opined

that it was not clear whether indigenous Jumma peoples of CHT had been backward section of people as defined in the Article 28(4) of the Constitution. So, it was very evident that once the Jumma peoples of CHT were termed as indigenous peoples and the said term was added in the said provision of the Constitution then the litigation in the court against the CHTRC Act would have been no validity. Of course, the government appealed against the High Court verdict for which the Appellate Division of the Supreme Court issued stay order against it. Later on, the stay order was extended up to the regular Appeal case. At the last stage, a 7 member bench headed by the Chief Justice ordered the verdict of the High court to stay. It is a matter of grave concern that unless the government provides proper provisions in the Constitution about the indigenous peoples and the CHT Laws whether the validity of the provision of the CHT Accord on the said matters would stand in the Supreme Court.

During the 15th Amendment to the constitution in 2011, it was a strong demand of PCJSS as well as the demand of hill people and the civic society of the country, to include the CHTRC Act and the three HDC Acts, enacted in light of the Accord, as 'Effective Laws' in the First Schedule to provide legal saving for these laws. It is noteworthy that the demand for constitutional guarantee of the CHT Accord was raised during the signing of the CHT Accord in 1997. It was replied by then Awami League-led government, they did not have required majority in the Parliament to amend the Constitution to ensure constitutional guarantee for the Accord. However, they promised that in future they would ensure the constitutional guarantee of the Accord, if they could secure required majority in the Parliament. But during the 15th amendment to the constitution, the Awami League-led current government kept themselves far off their assurance and promise and commitment.

Part B:

HILL DISTRICT LOCAL GOVERNMENT COUNCIL / HILL DISTRICT COUNCIL

In the introductory part it has been laid down, *“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 Accord, in the manner set forth here under”.*

On the basis of the CHT Accord, the following have been in progress:

1. On 3, 4 and 5 May 1998 Rangamati HDC (Amendment) Act 1998, Khagrachari HDC (Amendment) Act 1998 and Bandarban HDC (Amendment) Act 1998 were passed respectively in the Parliament, and these were published in official gazette on 24 May 1998.
2. There were four provisions in the Rangamati HDC (Amendment) Act 1998 and one each in the Khagrachari HDC (Amendment) Act 1998 and Bandarban HDC (Amendment) Act 1998 which were contradictory to the CHT Accord. After several months, the contradictory provision relating to the definition of “non-tribal permanent residents” along with a few other provisions was amended in accordance with the Accord. But the provision relating to ‘all development programmes undertaken or to be undertaken at national level’ is yet to be amended.
3. The government has amended the section 18 of the HDC Acts without any consultation with the CHT Regional Council. The new amendment qualifies Bengali settlers to be voters in all elections in the CHT. This is a clear violation of the CHT Accord. The CHT Regional Council demanded the government action to repeal it, but the latter did not pay any attention to the demand.
4. The Election Rules and Electoral Rolls Rules of three HDCs have not been formulated till today. The 5-member Interim HDCs formed with and headed by ruling party members have been functioning years after years in undemocratic way. In fact, these HDCs work without any obligation and accountability to the people.
5. Since after the amendment of the HDC Acts in order to strengthening the HDCs as per the CHT Accord, the Rules of Business of the HDCs are yet to be amended so far.

6. Out of 68 functions under 33 subjects of the HDCs, only 12 functions have been transferred partially to the HDCs so far. Recently on 8 November 2012 five functions of institutes/works, namely Health Engineering Directorate (under Health and Family Welfare Department); Bangladesh Agriculture Development Corporation (BADC) and Cotton Development Board (CDB) in Khagrachhari zone (under Bangladesh Agriculture Expansion Department); Ramgarh Hatchery Farm (under Fisheries and Livestock Department) and Government Child Home (Shishu Sadan) (under Social Welfare Department) were transferred. However, the most crucial subjects, such as, law and order of the district, land and land management, police (local), secondary education, forest and environment, local tourism, preservation of statistics on death-birth, Jum cultivation etc. are yet to be transferred to the HDCs.
7. The three HDC Acts have not been implemented fully and properly. Rather, these Acts are being violated in various ways. Some of the provisions of the Acts violated are given below:

Identification of "Non-Tribal Permanent Residents" of the Region

Clause 3 of this Part provides, *"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*".

While amending the Rangamati Local Government Council Act 1989 under the CHT Accord, the definition of a "non-tribal permanent resident" has been changed by replacing "and" with "or" in the Act No. 9 of the Rangamati Hill District Council Act 1998. The new definition given in the Act was as follows:

"A non-tribal permanent resident means one who is not a tribal, who owns land in legal manner or who generally lives in a particular address in the Hill district".

The intention behind the replacement of "and" with "or" in the definition was to include all the Bengali settlers and outsiders, who lived in a particular address howsoever under the category of 'non-tribal permanent residents'. It was a total diversion from the spirit of the CHT Accord. This provision was amended in line with the Accord later on by the Act no. XXIII of 1998 after a strong popular protest from the Jumma people and their organisations.

Despite, the authorities continue to oppose the implementation of this provision giving various misinterpretations on various pretexts. In addition to that, the Deputy Commissioners of the three hill districts are violating the provision by issuing "permanent resident certificate" to the Bengali settlers and outsiders for providing them with settlement of land, employment and other facilities. On the contrary, the Jumma and the permanent Bengali residents are being deprived of settlement of land, development benefits and employment etc. as maximum as possible by the authorities.

Issuance of Permanent Resident Certificate by the Concerned Circle Chief

Clause 4 (5) provides, *"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 Circle Chief shall determine whether a person is non-tribal or not and, if non-tribal, to which ethnic people he/she belongs, on the production of a certificate given by concerned Mouza Headman/Union Council Chairman/Municipality Chairman, and no non-tribal person can be a candidate for a post of non-tribal people without the certificate issued by the Chief for this purpose.

The provision has been included in the HDC Acts. But the authorities and concerned officials continue to misinterpret this provision to oppose its implementation. They explain that this provision is applicable only to the election to the posts of the members of the HDCs. The process of issuing "Permanent Resident Certificate" to the Bengali settlers by the DCs is still going on. Hence, the Bengali settlers with this certificate are getting employment and other facilities. It is also a naked and gross violation of the inherent spirit of the CHT Accord recognising the CHT region as a tribal inhabited area.

On 21 December 2000, the Ministry of CHT Affairs (MoCHTA) issued an instruction no. CHTAM(P-1)-HDC/Certificate/62/99-587 authorizing the Deputy Commissioners of the three hill districts to issue "Permanent Resident Certificate". It was a complete illegal instruction, since such an executive order cannot override an expressed provision of law passed on the floor of parliament. As objection was raised by the CHT Regional Council (CHTRC), a decision was taken to annul this ordinance at a meeting of the Advisory Committee on the CHT Affairs on 1 July 2001. But no order was issued canceling that controversial instruction so far. It is also a fact that no provision of law in Bangladesh under which a Deputy Commissioner of a district including the hill districts can issue such a certificate. The Deputy Commissioners are only authorized to issue citizenship certificates under the "Charter of Duties of Deputy Commissioners" during the past martial law regimes.

It may be mentioned that the Deputy Commissioners are appointed from amongst the ethnic Bengalis (non-tribal people) of the plain districts (outside of the CHT) of Bangladesh. It is very much difficult for them to identify permanent residents in the CHT for their being outsider Bengalis on one hand, and on the other hand they are naturally biased against the Jumma people and more sympathetic to the non-permanent Bengali settlers because of their same ethnic background. The Bengali settlers are using such certificate issued by the Deputy Commissioners in many cases, particularly for employment, purchase or settlement of land in the CHT and quotas reserved for the

Jumma students in higher educational institutions. As a result, the non-permanent Bengali residents (settlers) are gradually becoming the owner of land and stakeholder of all facilities, such as employment and education whereas the permanent residents, particularly the Jumma people are gradually becoming landless and unemployed in the CHT. In short, a marginalisation process of the Jumma people has begun to make the non-permanent Bengali residents as numerically superior and permanent ones in the CHT. The following are the examples:

Many non-resident Bengalis had already been appointed in 3rd and 4th class employees including primary school under, Rangamati, Khagrachari and Bandarban HDCs during post-Accord period. The said persons used the certificate issued by the Deputy Commissioners of the concerned hill districts.

Preparation of Voter List and Provision on it

Clause 9 of this Part stipulates, *"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 unsound mind, (4) a permanent resident of the hill district"*.

The provision has been included in the HDC Acts. However, voter lists prepared in 2000 and 2007-08 were not made in accordance with this provision. Even when updating the voter list commencing from 15th June 2009 the Bengali settlers including the other outsiders were also included as voters.

On repeated demand on the part of the PCJSS and CHT Regional Council (CHTRC), the government made a Draft Rules on the Electoral Rolls for the three hill districts in 2000, and the Draft was sent to the CHTRC for its opinion. And the CHTRC sent it back to the government with its comments and recommendations. During the period of BNP-led coalition government, the CHTRC and the PCJSS sent letters requesting the government to pass and enforce the said Rules as soon as possible. The MoCHTA undertook an initiative to resolve the issue, and the Ministry of Law, after vetting it, sent the Draft Rules to the Prime Minister's Office. However, it is yet to be published in the gazette and enforced.

In violation of this provision all the non-permanent Bengali residents (settlers) were fraudulently included in the voter lists prepared during the post-Accord periods. At least 300,000 Bengali settlers who were brought into the three hill districts in 80s by the government got enrolled in the voter list. Apart from them, there are hundreds of thousands of Bengalis who secretly infiltrated into the CHT individually or in groups over the recent years and illegally occupied lands and settled in the CHT with the active support of the local administrative authorities. Besides, there are hundreds of thousands of military and paramilitary (BDR, VDP APBN) personnel serving temporarily in the CHT. Above all, thousands of Bengali outsiders are engaged in various jobs and other

economic activities in the CHT. All of them were illegally included in the said voter lists. The authorities have even included Rohingya refugees coming from Myanmar in the voter lists prepared in Nakhyangchari, Ruma, Lama, Alikadam and Sadar upzilas of Bandarban district.

It is mentionable that in response to the demand of the CHTRC, PCJSS and other Jumma bodies and organisations for making the voter lists only with the permanent residents in 2000, the Election Commission notified that the said voter lists would be used in all elections including the parliamentary one except that of the HDCs and the CHTRC for which a new separate voter list would be prepared in line with the Clause 9 of the Part B of the CHT Accord. It may be mentioned here that the opinion of the Election Commission has been erroneous and unconstitutional. Because, the Constitution of Bangladesh does not allow more than one voter list for all the elections.

It is worth mentioning that the voter list prepared by the Election Commission during the post-Accord periods for the CHT is not in line with the CHT Accord, HDC Acts and CHTRC Act, Article 119 and 122 of the Constitution of the People's Republic of Bangladesh, Electoral Rolls Ordinance 1982 and the Rules on Electoral Rolls 1982.

Clause 2 (d) of Article 122 of the Bangladesh Constitution lays down, ***“A person has the right to be included in the voter list of a constituency determined for parliamentary elections, if he/she is a resident of that constituency or considered to be a resident of that constituency by law”***, and according to the interpretation of the Section 4 of the Electoral Rolls Ordinance 1982, ***“a person shall be considered to be a resident of that constituency where he/she usually or generally lives”***.

However, there is no legal provision or obligation with a direction that all the permanent or non-permanent residents of a constituency have to be included in the Electoral Rolls of that constituency. Section 8 (2) further lays down that a government official or employee or a person in government office engaged in service in a constituency (other than his/her own) can be included in the voter list of that constituency provided that he/she applies for it and subject to the permission of the Election Commission. Therefore, in the light of the above sections there is no legal bar to make a voter list for the HDCs and CHTRC as well as for other elections in the CHT only with the permanent residents of the CHT excluding the non-permanent residents, the Bengali settlers, military and para-military forces serving temporarily in the CHT. General administration, law & order, development etc. of the CHT are completely different from those of other districts of Bangladesh in the context of the special administrative framework of the CHT region. So it is an essential duty of the government to protect the special character of the CHT as a Jumma inhabited region and the government is legally bound to make separate rules on voting right and voter lists for the CHT. And the Bengali settlers and other outsiders of the CHT cannot be included as voter in such voter lists.

It is of paramount importance to amend and formulate the concerned rules on voter lists including those of the HDCs so that the permanent residents can exercise their voting right in a free and fair atmosphere and elect their competent representatives to the representing bodies and institutions and contribute their mites to the peace and development of the region.

The PCJSS therefore wrote to the government to reconsider the issue not merely in the light of the provision on Electoral Rolls of the HDC Acts 1998 but in the broader perspective of the special administrative framework of the CHT which is a Jumma inhabited region.

Provisions on Appointment of Jumma Officers and Employees

Clause 13 of this Part provides, *"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"*. This provision has been included in the Hill District Council Act 1998. But it has not been implemented so far.

Sub-clause (a) of the Clause 14 of this Part provides, *"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"*.

Sub-clause (b) further provides, *"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".

Sub-clause (c) stipulates, *"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"*.

These provisions have been included in the Act, but they have not been implemented till today. There has not been a single Chief Executive Officer in the HDCs who was drawn from the tribal community since the inception of HDCs. On the other, many non-resident Bengalis had already been appointed in the posts of Class III and Class-IV including primary school teachers under Rangamati, Khagrachari and Bandarban HDCs during post-Accord period.

Consequently, the outsider Bengali officers and employees are running most of the district and upazila (sub-district) level administration according to their sweet will. It is needless to say that these Bengali officials and employees are creating as much obstacle as possible

to the implementation of the CHT Accord and appointment of Jumma officers and employees in the local administration. They are working in the interest of their bureaucratic dominance and outsider Bengali settlers. For this reason, indigenisation of the CHT administration is a must as per the above provisions of the CHT Accord.

Provisions Relating to Development Projects and Developmental Works

Clause 19 of Part B of the CHT Accord says, *“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 programmes undertaken at national level shall be implemented through the Council by the concerned Ministry/Department/Institution”*.

This provision has not been included rightly in the Act No. 9, 10 and 11 of Hill District Council Act 1998 while amending the Hill District Local Government Council Act 1989 in line with the CHT Accord. The proposed provision of section 42 was split into two sub-sections in the following way:

“(2a) As Sub-Section (1) of Section 42, the Council with its fund or money given by the government can prepare and execute development projects on institutions or works given by the government to the Council under Section 23 (b)”.

“(4) All development programmes undertaken by the government at national level on any subject placed under the Council will be implemented by concerned ministries, departments or institutions through the Council”.

The government was persuaded again and again to amend the said contradictory provision in line with the CHT Accord. Finally, only the Sub-clause (2a) was amended in accordance with the Accord in the Act no. 29, 30 and 31 of the HDC Acts 2000. But the Sub-clause (4) remains as it has been.

A close examination of the amended sentence appeared in section 19 clearly shows that in sub-section (4) an extra phrase “on any subject placed under the council” was added in the amendment after the line “All development programs undertaken at the national level”. This ‘extra phrase’ was not in the Accord. As a result the government is not obliged to execute, in the CHT, any developmental program initiated at the national level through the Councils as it was originally agreed upon in the Accord.

On the other hand, violating the Act of the Council, the successive governments have been exercising the practice of nominating the Chairmen and members of the HDCs from among the ranks and files of their party only to lead the Councils undemocratically. These nominated Councils or the Council Chairmen and the members do not have accountability and liability to the people. They, instead of being liable and accountable to the people and law, are leading the Councils as per the government directives or as per the way conducive to their party politics.

It is worthy mentioned that the government began lifting gas from Simutang Gas Field located at Manikchari upazila under Khagrachari district since 2009. In this regard, Khagrachari HDC was not consulted; even no opinion has been sought from CHTRC.

On the other side, the government has stepped a pace to open up Land Ports for border trade at Thega Mukh of Barkal upazila under Rangamati Hill District and at a point adjacent to Ramgarh Bazar of Ramgarh upazila under Khagrachari district. To that end, the then Home Minister Ms Sahara Khatun paid a visit to Sajek and Thega Mukh on 31 September 2010. Also in this regard, it was learnt that the CHTRC, Khagrachari HDC and Rangamati HDC were not consulted with.

Formation of Police Force (Local)

Clause 24 of this Part provides, *"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"*.

This provision has been included in the Act. Besides, as per clause 33(a) and 34(b) of this Part of the Accord, "Supervision, maintenance and improvement of the law and order of the district" and "Police (local)" are included in the First Schedule of the HDC Acts as a function of the HDCs. But no measure has yet been taken to transfer the concerned subjects and functions to the HDCs for implementation. The higher authorities of the police continue to exercise this power as before till today.

Nothing has been done in giving priority to the Jumma people in appointment of police forces of the CHT as per the CHT Accord and HDC Acts. Despite repeated demand on the part of the CHTRC and PCJSS for formation of the police (local) force, the government has not transferred the subject and functions to the HDCs till today. In addition to that, proposals were sent to the government to transfer the Jumma police officers and constables serving in plain districts to the CHT as an immediate step for improvement of law and order situation of the region. The government has taken no initiative to transfer the Jumma police, except a few one as an eye wash. In addition, on 7 October 2012 during the visit to Khagrachari, current Home Minister Mahiuddin Khan Alamgir declared to form a Rapid Action Battalion (RAB) in the CHT without having consultation with the CHTRC and HDCs.

Above all, because of government's failure to transfer the subject Police (local) to the HDCs, the maintenance and supervision of law and order by the CHTRC and HDCs as well are still non-functional. The police and law and order are still continued to be

controlled and the power is allowed to be exercised by the same authorities (DCs and SPs) as before.

Hence, terrorist activities like communal attack on the Jumma people, extortion, kidnapping, abduction and killing are rampant in the CHT. The law and order situation is deteriorating day by day. The process of evicting the Jumma people from their ancestral land through threatening them with communal attacks by the outsider Bengali settlers are being intensified to an alarming proportion day by day. The Bengali dominated police force are often on the side of the Bengali settlers and outsiders.

Provisions Relating to Land-Transfer and Land Management

Sub-clause (a) of the Clause 26 of the Part B of the CHT Accord provides, *"Notwithstanding anything contained in any other law for the time being in force, no lands and premises including the Khas lands which can be given settlement, within the territorial limits of the Hill Districts, shall be transferable by lease, 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, Betbungia Satellite Station, State-owned industries and factories and the lands recorded in the name of the Government"*.

At first the provision was included in the Rangamati HDC Act 1998 was contradictory to the CHT Accord. Thus in the provision the words "in the name of government or local authorities" were used instead of "in the name of the government". It is worth mentioning that according to the HDC Acts, "local authorities" mean Municipality, Upazila Council, Union Council etc. The contradictory provision was finally amended in line with the CHT Accord in the Act no. 29 of the HDC Act under pressure from the CHTRC and the PCJSS.

Besides, as per clause 34(a) of this Part of the Accord, "Land and Land Management" is included in the First Schedule of the HDC Acts as a function of the HDCs. A proposal was sent to the government to transfer the responsibility of "land and land management" to the HDCs as per the CHT Accord. But till today, the subject has not been transferred to the HDCs. Meanwhile, the Deputy Commissioners (DCs) of the hill districts continue to misuse the 1900 CHT Regulation by giving lease and settlement of land to the outsiders Bengali settlers in violation of the HDC Acts.

The DCs continue to ignore and violate the circular issued by the Land Ministry on 17 July 1989 and instruction by the CHTRC. The DCs of the three hill districts were ordered to revoke this illegal settlement, lease or transfer of land through a letter no. CHTAM(P-1)/HD/ Miscellaneous/ 85/2000/529 issued by the CHT Affairs Ministry on 14 October 2000. Nevertheless, the process of giving lease and settlement of land to outsiders has not been stopped. This trend still goes on unabated covertly.

The leases given to the outsiders by the government in the name of rubber plantation and horticulture in Bandarban district alone is given in the following table:

Sl.	Name of upazila	Rubber plantation		Horticulture		Total	
		No. of plots	Land (in acre)	No. of plots	Land (in acre)	No. of plots	Land (in acre)
1.	Bandarban	91	2,275	119	2,855	210	5,130
2.	Lama	835	20,875	177	4,500	1012	25,375
3.	Alikadam	194	4,847	62	1,550	256	6,397
4.	Naikhyangchari	112	2,800	15	375	127	3,175
Total in 4 upazilas		1,232	31,797	373	9,280	1,605	40,077

Sub-clause (b) of this Clause 26 provides ***"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 and the consent of the Council"***.

The provision has been included in the Act. But it is not adhered to and complied with by the concerned authority. The DCs of the three hill districts continue to acquire and transfer land in violation of the concerned provisions of the HDC Acts. On the other hand, in the name of afforestation, the government has unilaterally undertaken a programme to acquire 218,000 acres of land. Of this land, 72,000 acres of land alone fall under the Bandarban district. Thus, the Khyang ethnic people, the smallest and most deprived and disadvantaged Jumma group in the CHT, are on the verge of total eviction from their ancestral lands where they have been living and cultivating *Jum* from generation to generation. The lands illegally acquired by the government in the name of afforestation in Bandarban Hill district alone is given in the following table:

Sl	Name of the upazilas	No. of mouzas	Land (in acre)
1.	Alikadam	3 mouzas	5,754.98
2.	Naikhyangchari	3 mouzas	4,840.00
3.	Lama	5 mouzas	2,780.99
4.	Bandarban	5 mouzas	15,750.00
5.	Rowangchari	10 mouzas	45,950.00
6.	Ruma	5 mouzas	11,500.00
7.	Thanchi	4 mouzas	7,500.00
Total in 35 mouzas under 7 upazilas			94,066.97
Occupation under Forest Department without acquisition			23,933.03
Total acquired land for reserved forest			1,18,000.00

Further, huge amount of lands have been acquired for military purpose in CHT, particularly for the expansion of cantonment, expansion of camps, opening new Artillery Training Centers and new Air Force Training Centers. The land illegally acquired by the government in the name of military purpose in Bandarban Hill district alone is given in the following table:

Sl.	Particulars	Land (in acre)
1.	Acquired for Sualok artillery & infantry training centre	11,445.45
2.	Under process for acquisition for Sualok artillery & infantry training centre	19,000.00
3.	Acquired for expansion of Ruma garrison	9,560.00
4.	Under process for acquisition for expansion of Bandarban brigade headquarters	181.00
5.	Under process for acquisition for establishment of Chimbuk Hill Ecopark and tourism of army	5,500.00
6.	Under process for acquisition for Bandarban-Lama air forces training centre	26,000.00
7.	Under process for acquisition for establishment of BDR battalion HQ in Ruma	25.000
Total amount of land		71,711.45

It is relevant to mention here that an office circular Memo No. Bhu/Sh-4/Stha:Ma:Si:Ba:(Misc. 09/2011-802) dated 29 September 2011 signed by the Senior Deputy Secretary Md. Moniruzzaman of Land Ministry issued to the Deputy Commissioners of the three Hill Districts directing to make the list of the landless and to submit the list to the Land Ministry with immediate effect and in light of the circular, office orders from the Upazila Land Offices of all the three Hill Districts were issued to all the Headmen directing to prepare the lists of the landless class. This initiative taken by the government has given rise to various doubts and anguish for being conducted by the government without the knowledge of the three Hill Districts and Regional Council.

Sub-clause (c) of this Clause stipulates, *“The Council may supervise and control the works of the Headmen, Chainmen, Amins, Surveyors, Kanungos and Assistant Commissioner (land)”*. Sub-clause (d) of this Clause also provides, *“The reclaimed fringe lands of Kaptai Lake shall be leased out on priority basis to the original owners”*.

Though these Sub-clauses have been included in the Act, these are not being put into practice.

On the contrary, the CHT Affairs Ministry vide a circular No. Pachabim (pa-1)-(tathya-17/2005/355) dated 21-11-2009 asked for the opinion of the chairmen of both the CHTRC and the three HDCs on a proposal adopted in the DC’s conference-2009, to review section 64(2) of HDC Act 1989 authorizing the HDC to supervise and control the functions of the Headman, Amin, Surveyor, Kanunugo and Assistant Commissioner (Land). On the other, the government is giving hundreds of acre of fringe-land in settlements to the outsider Bengali settlers.

Clause 27 of this Part provides *“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."

This provision, though included in the Act, has not been put into practice. The Council has not been empowered to discharge its responsibility on the subject.

The CHT Ministry vide the Circular No. Pachabim (pa-1)-(tathya-17/2005/355 dated 21-11-2009 asked for the opinion of the chairmen of both the CHTRC and the three HDCs on a proposal adopted in the DC's conference-2009, to review section 65 of HDC Act 1989, vesting the authority to collect land development tax with the HDC and to deposit the already collected tax with the fund of the Council.

Special Prerogatives of the HDCs

Clause 28 of this Part provides, ***"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"***.

Clause 29 of this Part provides ***"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"***.

Clause 32 of this Part provides ***"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"***.

These provisions have been included in the Act, but the government continues to refrain from making rules. The government is applying the Speedy Trial Act 2003 and Women and Child Repression Act 2003 in the CHT without taking consideration of customs and practices of indigenous Jumma peoples and no consultation was made with the CHTRC while making these Acts.

Subjects and functions under the HDCs to be transferred by the government

Clause 33 of Part B of the CHT Accord includes the following additional subjects as functions of the HDCs:

Coordination, protection and improvement of law and order of the Hill districts; Police (local); Justice for disputes relating to social, cultural and tribal affairs in accordance with tribal laws and practices; Vocational education; Primary education

in mother tongue; Secondary education; and Development and protection of forest resources which are not protected by the government.

Clause 34 of this Part further includes following functions and 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) Money Lending; (l) Jum cultivation.

These subjects have been included in the Act, but the government continues to refrain from execution. The total subjects under the Councils are 33. But after the CHT Accord, no subject has been transferred to the HDCs. However, Rangamati textile vocational institute and office of the youth and sport have been transferred to Rangamati and Bandarban HDCs on 30 April 2006 during BNP-led coalition government. On 12 May 2009 Nursing Training Institute and on 29 December 2011 Youth Welfare Department were transferred to Rangamati HDC and Khagrachari HDC respectively. In addition, on 8 November 2012 five functions of institutes/works, namely Health Engineering Directorate (under Health and Family Welfare Department); Bangladesh Agriculture Development Corporation (BADC) and Cotton Development Board (CDB) in Khagrachhari zone (under Bangladesh Agriculture Expansion Department); Ramgarh Hatchery Farm (under Fisheries and Livestock Department) and Government Child Home (Shishu Sadan) (under Social Welfare Department) were transferred. However, the most crucial subjects, such as, law and order of the district, land and land management, police (local), secondary education, forest and environment, local tourism, preservation of statistics on death-birth, Jum cultivation etc. are yet to be transferred to the HDCs.

The following 12 subjects, out of 68 functions under 33 subjects have been transferred to the HDCs so far:

1. Agriculture Extension Department
 - (a) Horticulture Centre
 - (b) BADC
 - (c) Cotton Development Board
2. Health Department-
 - (a) Family Planning Department
 - (b) Family Welfare Superintendent Training Institute
 - (c) Rangamati Nursing Institute
 - (d) Health Engineering Department
3. Primary Education Department

4. Industry and Commerce-
 - (a) Bangladesh Small and Cottage Industry Corporation (BSCIC)
 - (b) Bazar Fund Administration
 - (c) Rangamati textile vocational institute
5. Cooperative Department
6. Social Welfare
 - (a) Government Child Home
7. Fishery Department
 - (a) Ramgarh Hatchery Farm
8. Livestock Department
9. Public Health
10. Culture-
 - (a) Small Ethnic Group Cultural institute
 - (b) Shilpakala Academy
 - (c) Public Library
11. Youth Development Department
12. Sport Office-
 - (a) District Sport Association

It may be mentioned that out of these departments, only district level officers and employees and their salary and allowances have been transferred to the HDCs. But the sub-district (upazila) level development activities and officers and employees have not been transferred to the HDCs till today. In addition, only the bazaar fund administration of industry and trade and only the work and salary and allowances of the Small Ethnic Group Cultural Institutes have been transferred. In fact, the tribal cultural institutions have been still under the full control of the Ministry of Culture.

Clause 35 of this Part includes the following **sources of tax, rate, toll and fee of the Councils:**

- (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.*

Though these provisions have been included in the Acts, the above subjects and functions are yet to be transferred to the Councils.

No democratic process and people-representativity and accountability have been developed in the HDCs, as these Councils have been formed with persons nominated by ruling party/the government. As a result, the HDCs have failed to play any positive role in the over all development in the hill districts.

Part C:

CHITTAGONG HILL TRACTS REGIONAL COUNCIL

As per the Clause 1 of Part C of the CHT Accord, *“a Regional Council will be formed comprising the Local Government Councils of three Hill Districts, 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”.*

Clause 2 of this Part provides *“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”.*

Clause 3 of this Part provides *“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”.*

Clause 5 of this Part provides *“The Chairman of the three hill districts shall be ex-officio Members of the Council and they shall have right to vote”.*

These provisions have been included in the Act. The followings have been progress in regard to introducing CHT Regional Council (CHTRC):

1. The CHTRC Act had been passed on 6 May 1998.
2. Mr. Jyotirindra Bodhipriya Larma took the responsibility of the Interim CHTRC as Chairman on 12 May 1999 and interim CHTRC started its office on 27 May through a ceremonial function organized on that occasion in Rangamati.
3. The election of the CHTRC could not be held during the last 12 years, as the HDCs have not been formed as per the provisions of the CHT Accord. As per rule the elected members of the HDCs shall elect the chairman and members of the CHTRC.
4. The government has not yet approved the Rules of Business of the CHTRC.
5. The CHT Regional Council Complex project is yet to be implemented. Hence, CHT Regional Council suffers from its infrastructure.
6. The powers and functions of the CHT Regional Council is yet to be executed.

Supervision and Coordination of the Three Hill District Councils

Sub-clause (a) of the Clause 9 of this Part provides *“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”*.

Though these provisions have been included in the Act, the HDC authorities are not complying with and respecting the authority of supervision and coordination of the CHTRC.

In addition to that, the government allocation to the CHTRC is inadequate. No fund has been placed for the construction of the CHTRC Complex. The Chairman, Councillors, officers and staff have no official and residential accommodation of their own. The government has formulated a few sets of rules which are not sufficient for proper functioning of the CHTRC. As a result, the CHTRC is facing a lot of obstacles in conducting its day to day functions as well as supervision and coordination of the activities of the HDCs and the CHT Development Board. As per the Act, the CHTRC has already put forward its recommendations on Rules of Business to the government. But the government kept it pending.

During the period of present grand alliance government, inspite of getting the CHTRC involved in the process of recruitment of 3rd Class and 4th Class staff including the primary school teachers, the CHTRC is being ignored. Especially, in case with the Rangamati HDC, no representative from the Regional Council is placed in the Recruitment Committee of Rangamati HDC.

Supervision and Coordination of the Local Councils Including Municipalities

Sub-clause (b) of the Clause 9 stipulates, *“The CHT Regional Council shall coordinate and supervise the Local Councils including the municipalities”*.

This provision has been included in the Act. Moreover, the Ministry of Local Government in consultation with the delegations of the CHTRC issued instruction to the municipalities and other local government councils in this regard in 2001. Nevertheless, the municipalities have been non-cooperating with the CHTRC and opposing the CHTRC in carrying out its functions. The Rangamati Municipality ignored the initiative taken by the CHTRC to resolve the problem over the irregularities in appointing officers and staff in the Municipality in 2000. The issue was taken up with the government. But no initiative was taken by the government to settle the issue. In this regard, necessary amendments to the laws, ordinances and rules of other local government councils including municipalities are needed urgently. Though CHTRC proposed to the government to amend these laws of local government bodies, such as, Union Council Act, Upazila Council Act, Pourasova Act

etc. to accommodate the provision for CHTRC supervision as per CHT Accord, but government did not take any step in this regard.

Supervision and Coordination of the General Administration, Law & Order and Development

Sub-clause (c) of the Clause 9 provides, *“The Regional Council shall coordinate and supervise the three hill districts in matters of general administration, law and order and development”*.

This provision has been included in the Act. In addition to that, a circular no CD/DC/2(12)2000-31 dated 10 April 2001 was also issued from the Cabinet Division during the Awami League government to this effect. Notwithstanding these, the three HDCs, the Deputy Commissioners of three hill districts, Superintendent of Police, CHT Development Board and the concerned officials at the districts and upazila level have been ignoring the CHTRC. The officials engaged in development activities and maintaining law and order have been defying the authority of the CHTRC for bureaucratic interest as well as anti-Jumma mindset. Moreover, they are getting direct and indirect support from a quarter of the successive governments and other higher authorities to oppose the implementation of the CHT Accord.

The Meetings of the Committees for Law & Order held on 24-26 September 2010 during the visit of State Minister for Home Affairs Shamsul Haque Tuku in the three Hill Districts, instead of calling through the HDCs, were called through the Deputy Commissioners. Even no prior information regarding the visit of the State Minister was intimated to the CHTRC. In the meetings, the State Minister, without having consultation with the CHTRC declared the deployment of Rapid Action Battalion (RAB) in CHT. In the same way, the CHTRC was also not informed about the then Home Minister Sahara Khatun's visit to the proposed Land Port site at Thega Mukh of Barkal upazila under Rangamati hill district. In addition, on 7 October 2012 during the visit to Khagrachari, current Home Minister Mahiuddin Khan Alamgir declared to form a Rapid Action Battalion (RAB) in the CHT without having consultation with the CHTRC and HDCs.

Coordination of NGO Activities, and Disaster Management and Relief Operation

Sub-clause (d) of the Clause 9 provides, *“The Council shall coordinate the activities of the NGOs in addition to disaster management and carry out the relief programmes”*.

Though this provision has been included in the Act, it is yet to be implemented. Disaster management and Relief operation activities in the CHT are being carried out through a committee under the control of the Deputy Commissioners as it is done in other parts (outside the CHT) of the country. Similarly, allocation of government-fund for these activities continues as before. The Ministry of Relief and Disaster Management, three HDCs and other concerned government authorities are ignoring the CHTRC's coordination authority of Disaster Management and Relief Operation. As a result, serious irregularities and lack of coordination and transparency have crept into their activities.

The government had taken initiative to formulate a Code of Rules for the NGOs in 1999 without any consultation with the CHTRC. On repeated demand, the government called for the opinion of the CHTRC on the issue. But the government introduced the Code of Rules for NGOs without taking the opinion of the CHTRC into consideration. As a result, many provisions contradictory to the CHT Accord were incorporated into it. There are even certain provisions in it, which are detrimental to and racially discriminatory against the Jumma peoples.

In addition to these, because of these discriminatory provisions some NGOs are seen engaged in activities incompatible with the cultural values and socio-economic needs and aspirations of the Jumma peoples. Among these activities, micro-credit programme, undertaking of development projects for the people who are not “permanent residents” of the CHT, appointment of outsiders or “non-permanent residents” in the offices of NGOs, non-implementation of development projects through local NGOs etc. are worth mentioning. The development programmes of some NGOs and the conduct of some NGO activists incompatible with the traditional culture and values of the Jumma peoples have created serious reactions among the Jumma peoples.

Further, without any consultation with the CHTRC the Ministry of Home Affairs has taken special measures for surveillances on some NGOs which were formed and run with the “permanent residents” of the CHT by intelligence agencies. The NGO Bureau is following a racially discriminatory policy against the local NGOs formed with and for the “permanent residents”, particularly the Jumma peoples, in issuing the NGO Bureau registration.

Further still the CHTRC is not being included in the process of issuing the NGO Bureau registration to the local NGOs in the CHT. Hence, the coordination of the activities of NGOs by the CHTRC and HDCs could not be done in accordance with the CHT Accord. The DCs of Bandarban and Khagrachari districts continue to ignore the CHTRC’s coordination authority of NGOs in violation of the CHT Accord and concerned laws and rules.

In the month of May 2010 CHT Parliamentary Standing Committee took a decision to monitor NGO activities in CHT by DCs, which was so far entrusted with the CHTRC and three HDCs as per its legislation. CHTRC opposed it and sent letter to the concerned one including Prime Minister protesting against this decision.

Tribal Law and Community Adjudication

Sub-clause (e) of the Clause 9 provides, *“Tribal law and community adjudication shall be within the jurisdiction of the Regional Council”*.

The provision has been included in the Act. But contrary to it, the DCs of the three hill districts and the military authority deployed in the CHT have continued to interfere with this subject illegally.

Recently government passed Small Ethnic Group Cultural Institutes Act 2010 without having consultation with the CHTRC. Moreover, without consultation with the CHTRC and indigenous peoples of the country, indigenous peoples were termed as "Small Ethnic Group" in the Act which resulted serious reactions among indigenous peoples.

Issuance of License for Heavy Industries

Sub-clause (f) of the Clause 9 provides, *"The Regional Council shall be competent to grant License for heavy industries"*.

This provision has been included in the Act, but it has not complied with. When the process of installation of two more units in the Kaptai Hydroelectric project were in progress, the CHTRC was not consulted with. On the other, the government began lifting gas from Simutang Gas Field located at Manikchari upazila under Khagrachari district since 2009 without consultation with CHTRC and Khagrachari HDC.

General and Overall Supervision of the CHT Development Board

Clause 10 of this Part provides, *"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."*

Only the first part of this provision has been included in the CHTRC Act. The remaining part has been left out. A circular by the Cabinet Division to the CHT Development Board (CHTDB) was issued to follow strictly the provision of the CHTRC Act. Nevertheless, the Board has not been complied with this.

During the period of four party coalition government, government appointed an outsider Bengali Muslim settler (who is from district of Feni and elected from Khagrachari constituency) Abdul Wadud Bhuyan, as Chairman of the CHTDB in a gross violation of that provision of the CHT Accord. On the other hand, the Caretaker Government led by Dr. Fakhruddin Ahmed, instead of appointing an indigenous person, nominated the GOC of the Chittagong cantonment as the Chairman of the CHTDB in October 2007. It was a gross violation of that provision of the CHT Accord.

Awami League-led present Grand Alliance Government appointed Mr. Bir Bahadur, MP from Bandarban, as Chairman of the CHTDB on 24 March 2009, but the Board continues to ignore the CHTRC's supervision. Nevertheless, the Board has not been complied with the provision of the Accord. On the other hand, the CHTDB Ordinance, 1976 has not been amended as per the Accord.

Removal of inconsistencies of CHT Regulation 1900 and other related Acts, Rules & Ordinances

Clause 11 of this part provides, *"The Chittagong Hill Tracts Regulation of 1900 and other related Acts, Rules and Ordinances being found inconsistent with the Local*

Government Council Acts of 1989, it shall be removed by law as per advice and recommendations of the Regional Council”.

This provision has not been complied with till today. Some provisions of the Chittagong Hill Tracts Regulation 1900, CHT Development Board Ordinance 1976, Union Council, Pourasova and Upazila Parishad Ordinance, Criminal Procedure Court and some other related Acts and Laws inconsistent with the HDC Acts and CHTRC Act have not yet been amended to accommodate the provision for coordination and supervision of CHTRC and HDCs as per CHT Accord.

However, the government amended the CHT Regulation in 2003. The CHT Regulation (Amendment) Act of 2003 (Act XXXVIII of 2003) deals with the transfer of jurisdiction over the administration of civil and criminal justice – formerly vested upon civil servants at the district and divisional levels – to judicial officers under the Ministry of Law, Justice and Parliamentary Affairs. According to the amendment, these courts are obliged to try matters in accordance with “laws, customs and usages of the Jumma peoples of the three hill districts concerned. This law, which was passed in 2003, was finally put into effect in August, 2008.

Interim CHT Regional Council

Clause 12 provides, ***“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”.***

This provision has been included in the Act. And the Interim CHTRC has been constituted in accordance with this provision in May 1999. But the CHTRC has not been made effective properly. The Council has not been working properly due to keeping its Rules of Business pending.

On the other, the election of the CHTRC has not been constituted due to non-formation of elected HDCs. As per the provision of the CHTRC Act, this Interim Regional Council can make over charge to the elected members of the CHTRC only.

Making Law on the CHT Affairs

Clause 13 provides, ***“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”.***

Though the provision has been included in the Act, it is not being followed by the successive governments. The CHTRC is not being consulted in making any new law on

CHT Affairs. Its recommendations are not being taken into account. In addition to these, the government is not taking any effective step to make new law or to amend any such law detrimental to the development of the hill districts and to the welfare of the Jumma people. The CHTRC was not consulted in making the Code of Rules of the NGOs, CHT Land (Dispute Settlement) Commission Act 2001, other concerned Laws and Acts. In addition, the government introduced the Speedy Trial Act 2003, Women and Children Repression Prevention Act 2003, Small Ethnic Group Cultural Institutes Act 2010 in the CHT without consulting the CHTRC.

After assuming the power by the present Grand Alliance Government, opinion on Forest Goods Transit Regulation, 1973, National Education Policy and Water Resources Act, 2009, was sent to the government. But the government took up no proper and effective measures in this regard except Education Policy. No opinion was also sought from the CHTRC on formulation of Wildlife Act that passed in 2012 and on amendment of the Forestry Act. Beside this, also no opinion was sought from the CHTRC on Public Representation Ordinance, 2008 (2nd Amendment), Local Government (Upazila) Ordinance, 2008, Local Government (Paura Sova) Act, 2009, Local Government (Union Parishad) Act, 2009, Small Ethnic Groups Cultural Institutes Act, 2010 and National Women Development Policy, 2011. However, some proposals placed by CHTRC on National Education Policy were included.

Part 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 arrived at the consensus and agreed to undertake programs under this part of the Accord. At a glance of present state of implementation of this part of the Accord are as follows:

1. Jumma refugees were repatriated from India. However, most of them have not got back their lands occupied by Bengali settlers and military authorities although they availed most of the economic facilities.
2. The Task Force headed by Dipankar Talukdar had unilaterally prepared a list of internally displaced Jummas in which so many internally displaced Jumma families were excluded. However, listed Jumma IDPs have not been rehabilitated so far. In addition, in violation of the CHT Accord, all the Bengali settler families were identified as "internally displaced people".
3. Settlement of land in the name of accommodating landless people, was postponed due to pending resolution of land-disputes that arisen out of forcible land grabbing by the Bengali settlers.
4. Since signing the CHT Accord, four successive retired justices were appointed as Chairman of the Land Commission. However, the Commission has not been able to work for settlement of land disputes. After ending the tenure of last chairman Khademul Islam Chowdhury on 18 July 2012, the post of chairman of Land Commission remains vacant.
5. The CHT Land Dispute Resolution Commission Act 2001 was passed by the then Awami League government. However, 19 provisions were found to be contradictory to the CHT Accord of which no measures for amendment has been taken by the government despite CHTRC's submission of recommendations and demand. Later on, having finalized after scrutiny jointly CHTRC and Ministry of CHT Affairs, a 13-point amendment proposal was sent to the Land Ministry in the form of a Bill on 20 June 2011 for tabling before the Parliament.

6. Later on, the 13-point proposal for amendment of CHT Land Dispute Resolution Commission Act was adopted in the 4th and 5th meetings of CHT Accord Implementation Committee and Inter-ministerial Meeting held on 30 July 2012 with the Law Minister in the chair. However, as per the said decisions, the Act is yet to be tabled before Parliament and amended.
7. Though there was a decision to cancel 593 plots of lands in Bandarban district made in the Parliamentary Standing Committee on CHT Affairs Ministry, later on, most of the cancelled plots of lands were reinstated with the lease holders through various corruption and irregularities. And at the same time, even after the signing of Accord, the Deputy Commissioners have been giving the lands to the outsiders in lease.
8. The government has allocated fund for development in CHT. But it is too meager to meet the requirement. During the period of successive governments, lion share of the fund was allocated for CHT Development Board bypassing the CHTRC and the HDCs. Allocation for fund are not granted as per budgets adopted by CHTRC and three HDCs. The funds so allocated are not being properly utilized due to corruptions and irregularities with the party-line facilitation.
9. There is reserved quota for indigenous students. However, it is very limited and not provided properly. There is not adequate scholarship of indigenous students for higher education.
10. The successive governments have not taken any step for promotion and preservation and patronage of the traditions and culture of the indigenous people. The government enacted Small Ethnic Group Cultural Institutes Act 2010 without having discussion with the CHT Regional Council. Government also termed Jumma peoples as Bengali through the 15th Amendment to the Constitution.
11. The PCJSS has laid down all its arms and ammunitions after the CHT Accord.
12. Decision to withdraw 720 cases lodged against PCJSS members and persons involved in PCJSS and permanent residents of CHT have been taken. However, the decision is yet to be implemented. In addition, cases pending in martial court are yet to be withdrawn.
13. The government has provided PCJSS members returned to "normal life" with Taka 50,000 as per the CHT Accord. 64 PCJSS members have been reinstated in their jobs. 675 PCJSS members have been appointed in police services. However, 1429 projects submitted by PCJSS members for self-employment and income generation have not been approved and bank loans taken by 4 PCJSS members amounting Taka 22,783 are also yet to be exempted.

14. PCJSS received documents on withdrawal of 31 camps out of over 500 temporary military camps in the CHT. The government claimed that 172 camps have been withdrawn from CHT since then signing of the Accord. Present government declared to withdraw 35 camps including a brigade headquarters. However, no information on the list of camps withdrawn is available from the government side. On the other, de facto military rule was imposed in CHT by declaring 'Operation Uttoron' in 2001 by which interfering with the functions of the general civil administration and law and order is also continuing in CHT unabated.
15. No initiative has been taken by the government to appoint the permanent residents with priority of indigenous Jumma peoples in all posts and services in the CHT. As a result, most of the posts and services are still manned by Bengali outsiders and Bengali settlers. The CHTRC's recommendation for inclusion of this provision in the concerned appointment/service rules and regulations has not yet been put in force.
16. The Ministry on CHT Affairs was set up and its Rules of Business was also published in official gazette on 15 July 1998. But the Ministry does not play supportive role towards implementation of the CHT Accord and overall development of the CHT.

Repatriation of the Jumma Refugees

As per the Clause 1 of Part D of the CHT Accord and upon signing the 20-Point Package Agreement between the government and Jumma refugee leaders on 9 March 1997 in Agartala, Tripura, India, a total number of 64,609 souls of 12,222 families were repatriated to Bangladesh. It is also to be mentioned that GoB had also signed another 16-point agreements in 1994 with the leaders of the Jumma refugees for bringing back them to their homes with the commitment of security of life and giving back their ancestral lands following which 379 families (1841 people) in February 1994 and in July 1994 another 648 families (3345 people) were repatriated.

With an exception to lands and homesteads, most of the economic facilities as stated in the 20 Point Package Agreement were provided to most of the refugees through the Task Force. But still many families are yet to get cash against pairs of bullocks and still 40 ancestral Jumma villages are under the occupation of the settlers and 9,780 Jumma families are yet to get back their lands. As per agreement with refugee leaders and the CHT Accord, many of repatriated Jumma refugees have not got back their government jobs, those who have been able to get back their jobs their seniority have not been honoured and outstanding government loans have not been wiped out. This way there are many unresolved issues. Their rehabilitation has not been possible till today because of occupation of their land and villages by Bengali settlers and army, Ansar and VDP personnel through their establishments.

The unimplemented points of the 20-Point Package Agreement published by the CHT Returnee Jumma Refugees' Welfare Association (CHTRJRW) in its report are given in the following table:

Total number of Repatriated Jumma Refugees (64,609 persons)	12,222 families
Total number of Repatriated Jumma Refugees who have not got back their land, orchards or gardens and homesteads	9,780 families
Repatriated Jumma Refugees who have not received money for buying bullocks for cultivation	890 families
Schools not shifted to their previous locations	6 schools
Markets established on the land belonged to the Repatriated Jumma Refugees and not shifted to their previous locations	5 Markets
Buddhist monastery and Hindu temple illegally occupied	7 temples
Repatriated Jumma Refugee villages illegally occupied by settlers	40 villages
Number of Repatriated Jumma Refugees whose loan has not been exempted	642 persons

During the period of present Caretaker Government in 2007, the Task Force rehabilitated 26 families of returnee Jumma refugees, who have been residing at transit camp in Dighinala since their repatriation from Indian on government lands instead of their original lands. Their lands were occupied by a new bazaar named Boalkhali bazaar. The 26 families have been demanding to rehabilitate them on their original lands removing bazaar from there.

Clause 7 of this Part provides, **“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”**. This provision has not been implemented properly. 642 refugees applied to the government for exemption of loan. Still the government has not taken any step to this effect.

Rehabilitation of Internally Displaced Jumma People

It is mentioned in the end of the Clause 1 of this Part provides, ***“After ascertaining the identity of the Internally Displaced Persons of the three hill districts, rehabilitation measures shall be undertaken through a Task Force”***.

It is a fact that no internally displaced Jumma people have been rehabilitated so far. The government has initiated a process of rehabilitation of all the Bengali settlers already brought into the CHT under the state-sponsored Muslim population transfer programme for Islamisation of the CHT by identifying them as “internally displaced persons”, though the Clause 1 and 2 of Part D of the CHT Accord allow such rehabilitation only for the internally displaced Jumma (tribal) people. It resulted in a serious uncertainty over

implementation of the CHT Accord and solution to the CHT conflict. In protest to the continued attempts of the Task Force to identify the Bengali settlers as “internally displaced persons” for rehabilitation in the CHT, the delegations of the PCJSS and the Returnee Jumma Refugee Welfare Association staged a walk-out from the 9th round of the meeting of the Task Force held on 22 September 1999. They boldly declared to the Task Force authorities that they would not join the meeting until and unless the process of rehabilitation of the Bengali settlers in the CHT was stopped, and issued a joint press release to this effect. Later, at a unilateral meeting held on 15 May 2000, the authorities identified 90,208 Jumma (tribal) families and 38,156 Bengali settler families as “internally displaced families” and recommended a package programme for them. The following table shows the details of the number of “internally displaced families” and package for them in the three hill districts:

Hill district	Jumma families	Bengali settlers families	Total families
Rangamati	35,595	15,595	51,111
Bandarban	8,043	269	8,312
Khagrachari	46,570	22,371	68,941
Total:	90,208	38,156	128,314

Package-facilities

- 1) A grant of Taka 15,000 (fifteen thousand only) may be given to each “internally displaced family”.
- 2) The Jumma families displaced internally since 15 August 1975 and before 10 August 1992 (the day on which cease-fire was declared) were categorised into two groups in terms of amount of loan taken from the government. These are:
 - a) Those who took Taka 5000 (five thousand only) as agricultural loan may be exempted from the loan; and
 - b) Those who took Taka more than 5000 (five thousand only) may be exempted from the interest accrued of it.
- 3) Land-related disputes under the ownership of the internally displaced Jumma people may be settled through the CHT Land (Disputes Settlement) Commission.
- 4) A grant may be provided for income-generating projects. And measures may be taken to give long-term loan from that grant on flexible terms through scheduled banks for production-oriented activities.

Against this backdrop, in June 2000, a memorandum from the PCJSS with following demands was submitted to the then Prime Minister and the Convenor of the CHT Accord Implementation Committee for rehabilitation of the internally displaced Jumma peoples and solution to the vexed Bengali settler-issue with following proposals:

1. (a) To cancel the process of identification of the non-tribal outsider Bengali settlers as "non-tribal internally displaced persons" and of their rehabilitation in the CHT. And for this purpose, withdrawal of the letter dated 19 July 1998 sent from the Special Affairs Division to the Task Force instructing rehabilitation of the "internally displaced non-tribal persons".
- (b) To transfer the non-tribal outsider Bengali settlers outside the CHT and rehabilitate them there.
2. (a) To accelerate the process of rehabilitation of the internally displaced Jumma people.
- (b) To make a list of the internally displaced Jumma people excluded from that list made unilaterally by the Task Force on 15 May 2000.
3. To rehabilitate the internally displaced Jumma people on the basis of the package proposal made by the PCJSS rather than on the basis of 4-point package programme unilaterally made by the Task Force.

In this context, it may be mentioned that the package programme proposed by the Task Force for the rehabilitation of the internally displaced Jumma people was too inadequate to serve the purpose. Under no circumstances, their genuine rehabilitation would be possible with such package. That package was too less than that proposed by the PCJSS at the second round meeting of the Task Force. The package proposed by the PCJSS is:

- (a) To return the land including the homestead to the owners of internally displaced Jumma people.
- (b) To provide Taka 15,000 (fifteen thousand) along with materials for construction of house, CI sheet and other necessary essentials to each family.
- (c) To grant Taka 10,000 (ten thousand only) to each family.
- (d) To provide daily essentials like oil, dal, salt etc. including ration for one year.
- (e) To provide land with the landless.
- (f) To arrange drinking water.
- (g) To provide loan on flexible terms.
- (h) To reinstate in the job and take measures for promotion on the basis of seniority.
- (i) To reinstate the Headmen.
- (j) To exempt from loan.
- (k) To withdraw cases.

The task of the Task Force headed by Mr. Dipankar Talukder came to an end with the expiry of the tenure of the previous government on 13 July 2001. As demanded the PCJSS, the government appointed Samiron Dewan as Chairman of the Task Force on 20 October 2004. Four meetings of the body held on 22 April, 27 May, 25 July and 21 November in 2004. But no progress was made in the meeting. During the last Caretaker

Government, a meeting of the Task Force was also convened on 3 June 2007 at Khagrachari circuit house.

After the assuming to the state power, Awami League-led Grand Alliance Government appointed Mr. Jatindra Lal Tripura, MP from Khagrachari, as Chairman of the Task Force in March 2009. Following the reorganization of the Task Force, three meetings were held on 5th October 2009 and 27th January 2010 at Khagrachari Circuit House and on 26th January 2011 at Chittagong Circuit House. In the meetings the agenda for discussion basically were – (i) determination of the process for identification of internal refugees, (ii) inclusion of the real internal refugees, (iii) 20-point Package Facilities, (iv) holding of monthly meetings of the Task Force, (v) field-level visit of the Task Force and (vi) discussion on human resources and fund. In the meeting, the proposal of exclusion of the settlers from the list raised by the PCJSS Representative was opposed by the Chittagong Divisional Commissioner, the Executive Officer of MoCHTA and the Task Force member, Md. Shafi opposed the move. In this moment, the Task Force Chairman came up with an opinion on the issue stating that the matter should be left with the Accord Implementation Committee to decide. On the other hand, the proposal of enhancing the number of Task Force members raised by the government executive officers was opposed by the representatives of PCJSS and Returnee Jumma Refugees.

The present government side is also still insisting on rehabilitation of Bengali settlers in CHT as “internally displaced persons” which is contradictory to the CHT Accord and the spirit of the movement of the indigenous Jumma peoples. The Jumma refugees and internally displaced Jummas continue to live in sub-human conditions.

It is alleged that the CHT Ministry is unable to provide necessary funds to the Task Force. It remains to be seen if the present Task Force will be able to make any breakthrough in the stalemate created by “buy time” policy avidly practiced by the powerful coterie in the government in resolving the issues.

Provisions for the Settlement of Land with the Landless Jumma People

Clause 3 of this Part provides, *“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”*. Still the government has taken no step to implement this provision of the CHT Accord.

Clause 2 of this Part provides, *“After the signing the Accord between the Government and the Jana Samhati Samiti and implementation thereof and rehabilitation of the tribal refugees and internally displaced tribals, the Government shall, as soon as possible, commence, in consultation with the Regional Council to the constituted under this Accord, 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”*. This

provision, one of the core points of the Accord, is lying pending in uncertainty. Rather, it is being violated in many ways.

Formation of CHT Land Commission and Settlement of Land Dispute

Clause 4 of this Part provides, "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".

The Land Commission has been formed in accordance with this provision. As per this provision, Anwarul Haque Chowdhury was appointed as Chairman of the Commission on 3 June 1999. But he passed away on 6 December 1999 before taking his responsibility. Later, on 5 April 2000, retired Justice Abdul Karim was appointed to the post. He assumed the office on 12 June 2000. Since then he visited his office only once in Khagrachari hill district. Later, he too resigned the post on health ground. Since then the post remained vacant for around one and half year. After assuming the office, the four-party coalition government appointed retired Justice Mahmudur Rahman on 29 November 2001 without any consultation with the PCJSS and CHTRC. He too passed away in November 2007. Despite repeated demand from CHTRC to appoint chairman of the Land Commission, the Caretaker Government led by Dr. Fakhruddin Ahmed did not take action to this effect.

A Secretary to the Commission was appointed later on. But other matters, such as appointment of necessary office-staff, setting up of offices of the Commission etc. are yet to be done.

During the tenure of Justice Mahmudur Rahman as chairman of the Land Commission, after over 7 years of the CHT Accord, the first meeting of the Commission was held at the Khagrachari Circuit House on 8 June 2005. Discussion was held to undertake initiative for amendment of the Land Commission Act as per CHT Accord. But no effective initiative has been taken by the chairman of the Commission.

The present grand alliance government appointed retired Justice Khademul Islam Chowdhury as the chairman of the Land Commission on 19 July 2009. After assuming in the office, Mr. Khademul Islam started in a dramatic fashion. Without convening any formal meeting of the Commission, he undertook a lightning tour of the three hill districts and convened meetings of the Commission for exchange of views. He unilaterally declared to conduct land survey in the CHT and to start hearing of land disputes without taking decision of the Commission. Since after the appointment of Khademul Islam

Chowdhury, the only meeting was held on 27 January 2010 in Khagrachari. The meeting was ended without taking any concrete decision. After ending the tenure of last chairman Khademul Islam Chowdhury on 18 July 2012, the post of chairman of Land Commission still remains vacant.

CHT Land Dispute Resolution Commission Act of 2001

It may be mentioned here that on 12 July 2001, just the day before the handing over charge to the Caretaker government, the then Awami League government hurriedly passed the “CHT Land (Disputes Settlement) Commission Act 2001” in the parliament without taking into account the advice and recommendations given by the CHTRC. As a result, the provisions of the Act, which are conflicting to the CHT Accord and appear to be detrimental to the interest of the Jumma people, remained undiscussed and unsolved. Among these provisions, the followings are of worth mentioning:

- 1) Section 2 (f) of the Act narrates that the word “rehabilitated refugees” means the “refugees enlisted under the Accord signed between the government and Jumma refugee leaders on 9 March 1997 in Agartala, India”. This provision merely speaks of the land-disputes of the Jumma refugees repatriated from India under the 20-point Package programme. But it excludes the land-disputes of the Jumma refugees repatriated from India under a 16-point Accord signed between the government and the then Jumma leaders in 1992.
- 2) Clause 4, Part D of the CHT Accord contains a provision for settling the disputes of those lands and hills, which have been so far illegally settled and occupied, in addition to settling land disputes of the rehabilitated Jumma refugees. But the Section 6 (1)(a) of the CHT Land (Dispute Settlement) Commission Act 2001 only speaks of the “settlement of the land-disputes of the rehabilitated Jumma refugees”. Consequently, all other land-disputes of the Jumma refugees repatriated from India under the 20-point package will remain unsettled.
- 3) Clause 6 (b), Part D of the CHT Accord provides for a provision to settle land-disputes in accordance with the “traditional land-laws, customs and practices enforced in the CHT”. But the Section 6(1)(b) of the CHT Land (Dispute Settlement) Commission Act 2001 only refers to “laws and rules”. As a result, general land laws and rules applied in other plain districts of Bangladesh will overtake the traditional land-laws, customs and practices enforced in the CHT which will surely damage the traditional rights and title of the Jumma people on their land. In other words, the traditional land-laws, customs and practices enforced in the CHT which were further recognised afterwards by the CHT Accord have totally been ignored. It is a gross violation of the concerned provisions of the CHT Accord.
- 4) The Act does not refer to fringe-land, but the Accord does so and provides for provisions to resolve disputes relating to such class of land.

- 5) Section 7(5) of the Act provides, "The Chairman, on the basis of discussion with other members present, shall take decision on consensus on the subjects and other related matters stated under Section 6(1). But if no consensus is reached, the decision of the Chairman alone shall be considered as the decision of the Commission". This provision of the Act can easily turn other members of the Land Commission into rubber stamps. It will make the Commission an undemocratic institution by empowering its Chairman with a dictatorial power.
- 6) Regarding appointment of Secretary, officers and employees of the Commission, the Section 13(1)(2) of the Act violates the Clause 18, Part D of the CHT Accord.

A 19-point recommendation paper on the part of the CHTRC was sent to the government for amendment to the contradictory provisions of the CHT Land Commission Act 2001. A meeting was also held on 12 March 2002 to consider the recommendations at the Ministry of Law and Justice and Parliamentary Affairs between then Minister concerned including then Minister of the Ministry Moudud Ahmed and delegation of the CHTRC led by its Chairman J B Larma. Both sides reached a consensus on 18 recommendations. The lone recommendation that was refused by the government-side was the settlement of land-disputes regarding the fringe-land of the Kaptai Lake, though it has been referred to in the CHT Accord. However, later, at a meeting held on 21 January 2003 between the then Minister of the Law, Justice and Parliamentary Affairs Moudud Ahmed and delegation of the CHTRC, both sides reached a consensus on this recommendation.

Thereafter the Land Commission Act was vetted by the Ministry of Law Affairs and finally sent to the Prime Minister office. However, the then four party coalition government did not amend the Land Commission Act as recommended by the CHTRC as well as agreed upon by both sides. Even during the Caretaker Government led by Dr. Fakhruddin Ahmed did not take any initiative in thi regard.

With the grand alliance forming a new government in January 2009, the CHTRC once again sent the recommendations to the government on 7 May 2009 for consideration. After that, a dozen of meetings over the amendment of contradictory provisions of the CHT Land Dispute Resolution Commission Act of 2001 were held at different levels. But as of today, the contravening sections of the Act remain as they were.

On 20 June 2011 Ministry of CHT Affairs (MoCHTA), with the consultation with CHTRC, finalised 13-point amendment proposals of the Act and sent them to Land Ministry for taking necessary initiative to place Cabinet and Parliament for final adoption. Later on, the 13-point proposal for amendment of CHT Land Dispute Resolution Commission Act was adopted in the 4th and 5th meetings of CHT Accord Implementation Committee held on 22 January 2012 and 28 May 2012 and Inter-ministerial Meeting held on 30 July 2012 with the Law Minister in the chair. However, as per the said decisions, the Act is yet to be tabled before Parliament and amended.

13-point proposal for amendment of CHT Land Dispute Resolution Commission Act of 2001 adopted in the Inter-ministerial Meeting held on 30 July 2012 with the Law Minister in the chair

Sl.	Amendable Sections of the Act	Recommendations of CHTRC & MoCHTA
1.	Preamble Para 4 Line 3: Hill District Committee and Parbatya Jana Samhati Samiti .. signed an Agreement	The National Committee on CHT and Parbatya Chattagram Jana Samhati Samiti .. signed an agreement
2.	Section 3(2)(d): Circle Chief of the concerned circle, ex-officio;	Section 3(2)(d): Circle Chief of the concerned circle, ex-officio or his representative nominated by him;
3.	Section 6(1)(a): To settle the land related dispute of the rehabilitated refugees in accordance with the existing laws and customs in the Chittagong Hill Tracts;	Section 6(1)(a): In addition to quick settlement of the disputes of lands of the rehabilitated tribal refugees to settle, all disputes of lands, which have been illegally given in settlement and occupied in accordance with the existing laws, customs and usages of Chittagong Hill Tracts;
4.	Section 6(1)(b): The claim and rights of the petitioner or the opposite party on the land referred shall be settled and if necessary, restored under the existing laws and custom of Chittagongs Hill Tracts;	Section 6(1)(b): The claim and rights of the petitioner or the opposite party on the land referred shall be settled and if necessary, restored under the existing laws, custom and usages of CHT;
5.	Section 6(1)(c): Any land has been given in settlement in violation of the existing laws of CHT, shall be cancelled and if any lawful owner has been illegally occupied on account of such settlement shall be restored: Provided that, this sub-section shall not be applicable in case of Reserved Forests, Kaptai Hydroelectricity Project area, Betbunia Earth Satellite Station, state-owned industries and land recorded with the Government or local authorities.	To replace Section 6(1)(c) with: "Any land has been given in settlement in violation of the existing laws, custom and usages of CHT, shall be cancelled and if any lawful owner has been illegally occupied on account of such settlement shall be restored:" and to omit "Provided that, this sub-section shall not be applicable in case of Reserved Forests, Kaptai Hydroelectricity Project area, Betbunia Earth Satellite Station, state-owned industries and land recorded with the Government or local authorities."

6.	Section 7(3): Attendance of the Chairman and another two members on the meeting shall be necessary for maintaining quorum and the Chairman of the commission shall preside over all meetings.	Section 7(3): Attendance of the Chairman and another three members on the meeting shall be necessary for maintaining quorum and the Chairman of the commission shall preside over all meetings.
7.	Section 7(4): If any agenda remains unresolved in any meeting that can be presented for consideration and resolution in any of the subsequent meeting and this shall not be held up on the ground that the members who were present in the earlier meeting have remained absent and the decision on this issue shall not be illegal.	Section 7(4): If any agenda remains unresolved in any meeting that can be presented for consideration and resolution in any of the subsequent meeting and however, notices shall be delivered to all members and the matter shall not be held up on the ground that the members who were present in the earlier meeting have remained absent and the decision on this issue shall not be illegal.
8.	Section 7(5): Chairman shall take decision on the basis of discussion with other members present on the areas of its activities along with the matter stated in section 6(1) unanimously and in case decision is not unanimous his decision shall be treated as the decision of the Commission.	Section 7(5): Chairman shall take decision on the basis of discussion with other members present on the areas of its activities along with the matter stated in section 6(1) unanimously and in case decision is not unanimous decision of majority including the chairman shall be treated as the decision of the Commission.
9.	Section 9: Submission of petition of the commission	Section 9: Submission of petition to the commission
10.	Section 10: To add a new sub-section (4).	To add new Section 10(4) after section 10(3): The applicant, in interest of having proper justice can apply, before disposal of the matter, at any time to amend his/her petition.
11.	Section 13: To insert a new sub-section 3.	To add new Section 13(3) after section 13(2): Secretary, officers and employees of the Commission, under this sub-section, shall be appointed priority given to the tribal persons of the Hill districts.
12.	Section 18: The Government may, for achieving the objectives of the Act, can formulate, through gazette notification, rules, in consultation with	Section 8: The Government may, for achieving the objectives of the Act, can formulate, through gazette

	the Council, within 6 months of framing the Act..	notification, rules, in consultation with the Council, as soon as possible of the framing of the Act.
13.	To insert a new section 21.	Section 21: Inclusion of Functions of the Land Commission into CHT Affairs Ministry and it will be enforced soon after enactment of this law.

In addition to the amendment of the Land Commission Act, there is the necessity of making the Rules of Business of the Land Commission for proper functioning of the Commission and its Secretary and other officials. Up till now, no step has been taken by the GoB regarding the Rules of the Business of the Commission.

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

Provisions for Allotment/Cancellation of Land for Rubber Plantation and Other Purposes

Clause 8 of this Part provides *“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 has not been implemented till today. In total 1,605 plots covering 40,077 acres of land have been given lease to non-tribal and non-local persons for rubber and horticulture purposes during 80s and 90s (please see earlier report on **“Provisions Relating to Land-Transfer and Land Management”** of Sub-clause (a) of the Clause 26 of the Part B of the CHT Accord). However, Movement for the Protection of CHT Forest and Land Rights claimed that a total 1,877 plots covering 46,750 acres of land have been lease to non-resident Bengalis.

On 20 July and 18 August 2009, the meetings of the Parliamentary Standing Committee on CHT Affairs were held at Khagrachar and Rangamati respectively wherein it was decided to cancel the lease of the lands given to the outsiders wherein no rubber plantation done or cultivation done thereof, as per the Accord. In light of the decision, the Deputy Commissioner of Bandarban in collaboration with Upazila Executive Officer, Mauza Headman, District Kanoongo and Upazila Amin, after physical verification, cancelled 593 numbers of leases for the reasons of violating the terms of reference by

not growing plants. And the lands were brought under the government custody by issuing notice to the leaseholders under Memo No. je,pra,ban/Lease-1060/D/80-81/2009 dated 29/09/2009 signed by Revenue Deputy Collector (Revenue) for Deputy Commissioner Bandarban Hill District.

But it is painful and a matter of concern that at two-month length of cancellation of leases, the Bandarban District Administration, through the ill-practices of corruption, reinstated most of the cancelled leases of the lands to the leaseholders by issuing letter of Memo No. Je,Pra,Ban/Lease-1060(D)/80-81/2009 dated 19/11/2009. On the other hand, the remaining plots, though had been cancelled in papers, are still under occupation of the leaseholders. On the other side, the non-permanent and outsider Bengalees, under patronization and in collaboration with the concerned administration, in the name of lease, are occupying thousands acres of lands and giving threats to the local Jumma peoples asking them to leave the lands. In the mean while, in some areas, the Jumma villages were also attacked by way of employing the hired Bengalee laborers. As a result, the indigenous Jumma peoples are pulling their days in frights and anxiety. If the leases are not undone and the occupants are not driven away, the situation in those areas will get worsen to its extremity.

Allocation of Fund for Development in the CHT

Clause 9 of this Part provides, *“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”.*

Successive governments have been allocating fund towards developments in the CHT, but it is too meager to meet the requirements for development in CHT. During the period of successive governments, lion share of the fund was allocated for CHT Development Board bypassing the CHTRC and the HDCs. Allocation for fund are not granted as per budgets adopted by CHTRC and three HDCs. The pacification programme under which 10,000 food grains usually allocated for military forces is still going on. This fund is being used for socio-economic development of Bengali settlers, land grabbing by the settlers, instigation of communal tension, organising Bengali settlers against implementation of CHT Accord and so on. The funds so allocated are not being properly utilized due to corruptions and irregularities with the party-line facilitation.

No fruitful discussion and consultation on tourism has so far been taken place between the government and the CHTRC and HDCs. The subject (tourism) has not even been transferred to the HDC till today.

Quota Reservation and Scholarship for the Jumma Students

Clause 10 of this Part provides, *“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”.*

This provision is not being implemented in a proper and committed way. Problems and irregularities continue to persist regarding admission of the Jumma students under quota system in medical, engineering and agricultural universities.

In addition to that, no measure has been taken on the part of the government to provide scholarship to the Jumma students for higher education and research studies in foreign countries. To the contrary, the government has reduced quotas from 5% to 4% reserved for Jumma students in Dhaka, Feni, Chittagong and Kaptai Poly-technical Institutes.

Furthermore, in several cases, the indigenous quotas are occasionally filled up by Bengali students on the pretext of not having qualified indigenous students. Bengali students, who were not permanent residents of the CHT, got admitted to the three seats reserved for the permanent residents of the CHT in Mymensingh Agricultural University in the session of 2003-2004 by using the “Permanent Resident Certificate” issued by the Deputy Commissioners of the concerned Hill districts.

Furthermore, Comilla University shows that some non-tribal students get admitted under tribal quota in first year admission test of the academic session 2009-2010. According to the merit list of science unit, Limon Kanti Dey (Roll no. 30724) got chance to admit under tribal quota. Similarly, according to the merit list of business unit, Mohammad Abdullah Al (Roll no. 42050) and Md Minhajul Abedin (Roll no. 45286) got admitted under tribal quota. However, actual tribal were kept in the waiting list of this business unit.

Besides, in 2009, 3 Bengalee students got admitted in Medical College under indigenous students' quota. They are: Mosharaf Hossain (Roll No. 123258) in Sir Salimullah Medical College, Ms Sayeda Makachcheda Ahmmed (Roll No. 150061) in Khulna Medical College and in Cox's Bazaar Medical College Ms Ishrat Jahan Sumaiya (Prathom Alo Daily, 20 October 2009).

The government has a 5% quota reservation in Bangladesh Civil Service (BCS) for indigenous peoples. But this has never been practiced in reality. A total of 29,667 persons have got BCS jobs through 20 BCS examinations since 1972. Following the principle of the 5% quota, 1483 indigenous persons should have been in the BCS cadre service. In reality, the actual number of indigenous incumbents in government cadre jobs remains a minor fraction of this number.

Patronage to Tribal Culture, Traditions and Customs

Clause 11 of this Part provides, **“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”.**

But the government has not yet evolved any effective policy and programme in this regard. Rather, a process of gradual extinction of the very distinctiveness of the Jumma culture and traditions has been accelerated because of the covert policy of Islamisation of the CHT region by the government.

There are three Small Ethnic Group Cultural Institutes in the three hill districts. But their role remains confined to entertaining the VIPs with colorful presentation of tribal dances and a few publications. Absence of state patronage to promote the indigenous culture and tradition is discernible in the systematic decay of these ethnic *Jumma* heritages.

The Government termed Jumma peoples as Bengali through the 15th Amendment to the Constitution in 2011. The authorities keep renaming various places in the CHT after Islamic names and traditions. Indigenous Jumma students have no option but to learn Islamic values in schools. On the contrary, cultural values, history and traditions of indigenous Jummas have been misrepresented in educational curricula. In addition, indigenous students are forced to write “Janab”, an Islamic word used in place of “Mr.” or “Sri”, before their names.

The present grand alliance government enacted Small Ethnic Group Cultural Institutes Act 2010 without consultation with indigenous peoples in the country and CHTRC and HDCs in CHT. The Act terms indigenous peoples of the country as “Khudra Nrigoshthi” or “Small Ethnic Groups” which is rejected by indigenous peoples. On the other hand, only 27 indigenous ethnic groups were listed in this Act while more than 25 ethnic groups across the country were excluded from the list.

Deposit of Arms and Ammunitions by the Members of the PCJSS

Clause 13 of this Part provides, ***“The Government and the Jana Samhati Samiti shall, within 45 (forty-five) days of the signing of this Accord, 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”.***

The PCJSS had complied with this provision in to.

General Amnesty and Withdrawal of Cases

Clause 14 of this Part provides, ***“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”.***

Clause 16 of this Part also provides, *“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”.*

Sub-clause (b) of the Clause 16 also provides, *“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”.*

The government declared general amnesty in accordance with this provision. Nevertheless, the members of the PCJSS who, were charged in criminal cases during the period of insurgency, are still being subjected to systematic harassments in various ways. Long ago in 1998 a list of 839 (out of 999) cases, filed against the 2,524 PCJSS members and other persons involved in the PCJSS activities, was submitted to the government for withdrawal. Decision to withdraw 720 cases out of 839 cases has been taken. However, the decision is yet to be implemented. In addition, cases pending in martial court are yet to be withdrawn. A report on the issue is given in the following table:

District	Total Cases	Cases decided to withdraw	Cases yet to decide to withdraw
Rangamati	350	285	65 *
Khagrachari	451	405	46
Bandarban	38	30	8
Total	839	720	119

* Including 43 cases of conviction still waiting for the decision with the government.

21 members of the PCJSS serving out their terms in jail were released. An application was submitted to the honorable President of Bangladesh for acquittal of the PCJSS members sentenced in various cases. But they have not been acquitted of those cases. The matter is still pending.

Even there are cases against the PCJSS members and Jumma peoples who had been involved in the PCJSS activities pending in Chittagong Session Judge Court, though the people involved in those cases were earlier discharged by a government committee formed in the hill districts for withdrawal of such cases under the CHT Accord. As a result, warrants are being issued against many people and some of them are being arrested on the pretext of such withdrawn cases which are still lying pending in the Judge Court.

Sub-clause (c) of the Clause 16 provides, *“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”.

Notwithstanding this provision, the local law enforcing and army authorities has kept the practice of taking the Jumma peoples to arrest mere for their being members of the PCJSS practically.

Loan Exemption, Reinstatement in Service and Rehabilitation of Members of the PCJSS

Sub-clause (d) of the Clause 16 provides, *“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”.*

Sub-clause (e) of the Clause 16 provides, *“Those of the returned members of the Jana Samhati Samiti, who were previously in the service of the Government or of government organisations 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”.*

The Ministry of CHT Affairs has taken no step regarding applications for exemption of loan amounting to a total of Taka 22,783 (twenty thousand seven hundred and eighty three) against these four PCJSS members namely (1) Sunil Talukder s/o Sudhir Chandra Talukder, (2) Ratna Bikash Chakma s/o Purna Chandra Chakma, (3) Jyotirmoy Chakma s/o Singha Mani Chakma and (4) Hridoy Ranjan Chakma s/o Tukko Chandra Chakma under the provision cited above.

Out of 78 PCJSS members employed earlier (before joining the PCJSS) in different government services, only 64 were reinstated in their previous services. But no step has been taken for consideration of their services during the period of insurgency as qualified service-period, seniority, regularisation of pay-scale, allowances and retirement benefits etc. As a result, they are facing a lot of trouble and harassment to have these facilities and living in a great hardship. The remaining 11 PCJSS members are yet to be reinstated in their previous services. However, 1429 projects submitted by PCJSS members for self-employment and income generation have not been approved

The CHT Affairs Ministry vide memo No CHTAM (sama-1)-02/2000-82 dated 18/04/2001, sent a draft set of rules entitled “Reinstated Tribal Employees (Exceptional Facilities) Rules 2001” to the CHT Regional Council for its opinion. The CHTRC passed its opinion on that Rules. After having a meeting with the delegation of the Council the Ministry of CHT Affairs again sent it to the Law Ministry for vetting. Finally, the draft is lying pending with the Prime Minister’s office for final approval and gazette notification.

As per the provision of the CHT Accord, 671 Jumma people were recruited as Police Constables and 11 other as Traffic Sergeants and posted in the plain districts (outside CHT Hill districts) of Bangladesh. Racially and ethnically biased hierarchical authority of the police administration particularly some high-ranking Bengali police officers, are not accommodative with the Jumma police personnel. Very often they are subjected to harassment, abuse and discriminatory treatments on trifling grounds, though some district administrations are exceptions to these. Under such a circumstance, some Jumma police Constables were forced to resign from their services. The CHT Regional Council repeatedly requested the government to transfer the Jumma police personnel to the three hill districts where they were born and brought up and are accustomed with the indigenous way of life in a close relationship with the nature, hills and forests. Only in the case of an exceptional few, the government has not taken any significant step to transfer the Jumma police personnel in large number to this Jumma inhabited CHT region.

An exceptional government circular was issued relaxing the age-limit up to 40 years for a period of three years for the PCJSS members returned to "normal life" for appointment to different posts in the CHTDB and HDCs. But this circular has never been given effect to for the appointment of the returnee PCJSS members.

Sub-clause (f) provides, *"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."*

As per this provision, the PCJSS members submitted 1,429 self-employment projects to the government. An inter-ministerial meeting was held on 13 February 2003 to provide loans on easy terms. The meeting decided to provide Taka 150 million and formulate concerned rules for this purpose. But no conclusive action has yet been taken on these self-employment projects for the PCJSS members.

Provisions for Withdrawal of All Temporary Military and Paramilitary Camps

Clause 17. a) of this Part provides, *"After the signing and execution of the Accord 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."*

According to a letter received by the PCJSS from the government, out of more than 500 camps, only 31 have been withdrawn over the past nine years. On the contrary, the government claimed that 172 camps have been withdrawn since then signing of the Accord. Following the formation of a new government by the grand alliance a total of 35 camps including a brigade headquarters were withdrawn. But it is alleged that APBN have been re-deployed at least 5 camps out of 35 camps withdrawn. However, no information on the list of camps withdrawn is available from the government side.

A kind of martial law named "Operation Dabanal" (Operation Wild-fire) which was imposed on the CHT during the period of insurgency has been replaced with "Operation Uttoran" (Operation Upliftment) on 1 September 2001. In the name of "Operation Uttoran", the military, in the previous style during the period of insurgency, still continues to interfere with the functions of the general civil administration, such as law and order, construction and repairing of roads, forest produce transit, land disputes, NGO activities, tribal affairs etc. on one hand, and on the other, they continue to actively support the outsider Bengali settlers in expanding and establishing newer cluster villages in the CHT through "Shantakaran Prakaipa" (Pacification Project). The military continue to conduct operations in villages and to check and control public transports like bus, car, boat etc. by setting up newer military check posts throughout the CHT. Human rights violation by the military continues unabated. In fact, they are vigorously going for a combined programme of militarisation and Islamisation through establishing more and more outsider Bengali Muslim settlements in the CHT region. In short, it can be likened to a gradual ethnic cleansing of the Jumma people living therein.

Clause 17 (b) provides, "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".

So far this provision has not been as meticulously followed by the military authority as it has been laid down in the CHT Accord.

Above all, lands of indigenous Jumma peoples continue to be occupied by military through expansion of old camps and establishment of new camps. For instance—

1	Deployment of army at Bilaichari camp withdrawing APBN (17 October 2003); similarly APBN of Sakrachari and Gachkabachara camps were replaced with army
2	9,560 acres of land acquired for extension of Ruma cantonment
3	183 acres of land acquired for extension of Bandarban brigade headquarters
4	30,000 acres of land acquired for establishment of artillery training centre in Bandarban
5	26,000 acres of land acquired for establishment of airforce training centre in Bandarban
6	50 acres of land acquired for extension of Longadu army zone

7	143 acres of land acquired for extension of Panchari army zone
8	Army camp re-established at Gokulmoni Karbari Para under Matiranga upazila
9	New army camp established on the land of Priti Bikash Talukdar and Sadan Bikash Chakma at Ghilachari Mukh Talukdar Para of Ghagra in Kaukhali (16 June 2003)
10	Army camp re-established at ward no. 9 of Batnatali union under Manikchari upazila (2004)
11	Army camp re-established at Banyachhola of ward no. 9 under Laxmichari upazila (2004)
12	Army camp re-established at Khiram area under Kaukhali upazila
13	New army camp established at Betchari of Tarasa union under Rowangchari upazila (January 2005)
14	New army camp established at Bangalhalia bazar under Rajasthali upazila (2005)
15	New army camp established at Dantkupyra area under Khagrachari sadar upazila (2007)

Provisions for the Appointment of Permanent Residents with the Preference to the Jumma Candidates in Services of the CHT Region

Clause 18 of this Part provides, *“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”.*

The CHT Regional Council gave its recommendation to the CHT Affairs Ministry along with the Ministry of Establishment to take necessary measures for inclusion of the said provision in the concerned appointment/service rules and regulations. But this provision has not yet been included in the concerned appointment/service rules and regulations applicable in the CHT region by the Ministries concerned. As a consequence, the outsider Bengali settlers are encroaching upon all employment facilities created for the Jumma peoples and permanent Bengali residents. Thus the Indigenisation process of the administration of three hill districts of CHT is going to be blocked. The proper implementation of the CHT Accord cannot be possible by the outsider Bengali functionaries. As such the current trend of appointment and transfer of non-Jumma ethnic Bengali officers and staff to the CHT region is to be stopped right now in the greater interest of the Jumma peoples of the region and permanent residents of Bengalis.

Formation of the CHT Affairs Ministry

Clause 19 of this Part provides, *“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 Bohmong Raja*
- 11) *The Mong Raja*
- 12) *Three non-tribal Members nominated by the Government from amongst the permanent residents of the three hill districts”.*

The Ministry of CHT Affairs and its Advisory Committee were formed in accordance with this provision during the term of the previous Awami League government. During the period of BNP-led four-party coalition government, the responsibility of the Ministry was kept under the control of then Prime Minister herself without any justification. Thus the Ministerial post has not been lying vacant. In violation of this provision, a Deputy Minister, rather than a Minister, from amongst the Jumma peoples, has been appointed to the post. The Advisory Committee to the Ministry has not been formed during the four party coalition government. Instead of forming the Advisory Committee as per the said provision, the government rather monitored the functions of the Ministry through the Parliamentary Standing Committee in a naked violation of that provision.

The last Caretaker government led by Dr. Fakhruddin Ahmed at first appointed a non-indigenous person as Advisor for CHT Affairs Ministry. However, in November 2007 Chakma Circle Chief, Raja Devasish Roy was appointed as Special Assistant to the Chief Advisor and put in charge of the Ministry.

After assuming in the state power, Awami League-led Grand Alliance Government appointed Mr. Dipankar Talukdar as State Minister of the ministry and he was bestowed with full responsibilities of the ministry.

On 29 January 2009 a meeting of the Advisory Committee of the Ministry of CHT Affairs (MoCHTA) held at the ministry's conference hall of Bangladesh Secretariat in Dhaka presided by the State Minister of the ministry Dipankar Talukder, MP. Among others the meeting was attended by chairman of CHT Regional Council Mr. Jyotirindra Bodhipriya

Larma, MP from Khagrachari Mr. Jatindra Lal Tripura and chairmen of three Hill District Councils. Since then, the Advisory Committee remains inactive.

Further, on 3 February 2009 a meeting was held between the State Minister of MoCHTA Dipankar Talukder MP and 3-member delegation of CHT Regional Council led by Goutam Kumar Chakma, member of CHTRC in Dhaka. In this meeting, the CHTRC delegation raised some issues like amendment of the CHT Land Dispute Settlement Act 2001, transfer of Subjects/Functions to the three Hill District Councils provide advice on the Regulation of the Privileges of the Chairman and Members of CHTRC, proper budget allocation to CHTRC, finalization of the Business of Rules of CHTRC etc. But the decisions taken in this meeting were not taken into the effect.

Further more, a letter from MoCHTA was sent to all the Deputy Commissioners in the three Hill Districts and other government offices. The letter was ill designed, politically motivated, fabricated, far-fetched and provocative in its text that reads: `An ill-effort of terming the "Tribal Communities" as "Indigenous Peoples" and `An ill-attempt to identify the "Hill Terrorism" as the "Terrorism of the Muslim Bengalee Settlers." This has bred forth heightened anguish among the peoples of all the three Hill Districts, especially, among the civic society and the indigenous Jumma peoples.

The CHT Affairs Ministry has been unable to work properly according to its mandate and power and function. 99% of the officers in the Ministry are non-indigenous persons (Bengalis). Most of them are either unaware of or insensitive with the CHT and her original inhabitants or racially prejudiced and biased for Bengali settlers in CHT.

**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) third (1/3) of these seats shall be for the non-tribals.
 - b) Sub-section 1, 2, 3 and 4 of section 4 shall remain in force as per the original Act.
 - c) The words "Deputy Commissioner" and "Deputy Commissioner's" appearing in the second line of sub-section (5) of section 4 shall be substituted by the words "Circle Chief" and "Circle Chief's" respectively.
 - d) The following sub-section shall be added to section 4: "Whether a person is a non-tribal or not and, if so, which community he is a member of, shall be determined, subject to his producing a certificate from the concerned Mouza Headman/Union Council Chairman/Municipality Chairman, by the concerned Circle Chief and without a certificate in this connection being received from the Circle Chief, no person shall be eligible as a non-tribal to be candidate for the post of a non-tribal member".
5. It is provided in Section 7 that a person elected to the post of Chairman or Member shall, before assumption of office, swear or affirm oath before the Commissioner, Chittagong Division. This shall be amended by provisions to the effect that the

Members shall swear or affirm oath before "a Judge of the High Court Division" instead of the "Commissioner, Chittagong Division".

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

Provided that it shall be the condition attached to such appointments that the tribal residents of the district concerned shall have right of preference".

- c) It shall be provided in sub-section (3) of Section 32 that the Government shall, as per Regulations, have the authority to appoint officers in consultation with the Council and to transfer elsewhere, suspend, dismiss, remove or otherwise punish them.
15. The Words as per Rules shall be inserted in sub-section (3) of Section 33.
16. The words "or in any other way determined by the Government" appearing in the third line of sub-section (1) of Section 36 shall be deleted.
17. a) The provision starting with "Fourthly" in sub-section (1) of Section 37 of the original Act shall remain in tact.
b) The pharae "as per as" shall inserted in clause 'D' of sub-section (2) of Section 37.
18. Sub-section (3) of Section 38 shall be deleted and sub-section (4) shall be formulated as
follows: "At any time before the expiry of a financial year, a budget may be prepared and approved, if necessary, for that financial year".
19. The following sub-section shall be added to section 42: "(4) The Council shall be competent to prepare, undertake and implement, with the help of money receivable from the Government, development projects in respect of the matters transferred to it and all development programs at national level shall be implemented through the Council by the concerned Ministry / Department / Institution".
20. The word "Government" appearing in the second line of sub-section (2) of Section 45 shall be substituted by the word "Council".
21. Sections 50, 51 and 52 shall be repealed and in their stead the following Section shall be enacted: "In order to ensure harmonization of the activities of the Council advice or instructive orders, if necessary, if the Government be convinced on having received such evidence that any activity done or proposed to be done by or on behalf of the Council is inconsistent with law or contrary to public interest, it shall then have the authority to call for in writing from the Council information and explanation about the matter concerned and give advice or directive in that regard.
22. The words "after the expiry of the period of being defunct" in Sub-section (3) of Section 53, shall be deleted and instead thereof the words "Within 90 days of cancellation of the Council" shall be inserted before the words "this Act".
23. The word "Government" will be replaced by word "Ministry" in the third and fourth lines of Section 61.

24. a) Sub-section (1) of Section 62 shall be amended as follows: "Notwithstanding anything contained in any other law for the time being in force, Sub-Inspectors and all members of ranks subordinate thereto of the Hill District Police shall be appointed by the Council as per Regulations and prescribed procedure and the Council shall be competent to transfer them and take punitive action against them in accordance with the procedure prescribed by the Regulations;
- Provided that, the tribals of the district shall have preference in case of the said appointment.
- b) The words "subject to the provisions of all other laws for the time being in force" as appear in the second line of sub-section (3) of Section 62 shall repealed and substituted by the words "as per law and rules".
25. The words "to render assistance" in the third line of Section 63 shall remain in tact.
26. Section 64 shall be amended and enacted as follows:
- a) "Notwithstanding anything contained in any other law for the time being in force, no land and premises, including the leasable Khas lands, within the territorial limits of the Hill Districts shall be transferable by Ijara, settlement, purchase or sale except with the prior permission of the Council;
- Provided that this provision shall not be applicable in respect of the area of Reserved Forest, Kaptai Hydro-electric Project, Betbunia Satellite Station, State-owned in the industries and factories and the lands recorded in the name of the Government".
- b) "Notwithstanding anything contained in any other law for the time being in force, No land, hill or forest under the controlled and within the jurisdiction of the Council shall be acquired or transferred by the Government without consultation with or the consent of the Council.
- c) The Council may supervise and control the works of the Headmen, Chainmen, Amins, Surveyors, Kanungos and Assistant Commissioner (land).
- d) The reclaimed fringe lands of Kaptai Lake shall be leased out on priority basis to the original owners.
27. Section 65 shall be amended and formulated as follows: "Notwithstanding anything contained in any other law for the time being in force, the responsibility of collecting the Land Development Tax of the district shall rest in the hands of the Council and the collected tax of the district shall be deposited in the fund of the Council."
28. Section 67 shall be amended and formulated as follows: "in the event of necessity for harmonization of the works of the Council and the Governmental authorities, the Government or the Council shall raise proposals on specific subject and the

harmonization of the works shall be effected through mutual communications between the Government and Council".

29. Sub-section (1) of Section 68 shall be amended and formulated as follows: "With a view to carrying out the purposes of this Act, the Government may, upon consultation with the Council, make Rules through Notification in the Government official Gazette and the Council shall have a rights to apply to the Government for review of the said Rules even after they are already made".
30. a) The words "with prior approval of the Government" in the first and second lines of Sub-section (1) of Section 69 shall be repealed and after the words "may make" in the third line the following proviso shall be added:

"Provided that if the Government does not agree with any part of the Regulations made, it shall be competent to give advice or directive to the Council towards amendments of the said regulations".

b) The words "conferment of the powers of the Chairman on any officer of the Council" in clause (h) of sub-section (2) of Section 69 shall be deleted.
31. Section 70 shall be deleted.
32. Section 79 shall be amended and formulated as follows:

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

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

(C) CHIITAGONG HILL TRACTS REGIONAL COUNCIL:

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

Chairman	1 person
Member	12 persons
Member (tribal female)	2 persons

Member	6 persons
Member (non-tribal female)	1 person

Of the male tribal Members, 5 shall be elected from the Chakma tribe, 3 from the Marma tribe, 2 from Tripura tribe, 1 from the Murung and Tanchangya tribes and 1 person from amongst the Lusai, Bowm, Pankho, Khumi, Chak and 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:
 - a) Retired Justice;
 - b) Circle Chief (concerned)
 - c) Chairman/Representative of the Regional Council;
 - d) Divisional Commissioner/Additional Commissioner;
 - e) Chairman of the District Council (concerned).
6.
 - a) The tenure of office of the Commission shall be three years. But its tenure shall be extendible in consultation with the Regional Council.
 - b) The Commission shall resolve the disputes in consonance with the law, custom and practice in force in the Chittagong Hill Tracts.

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

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

authority of the civil administration in adherence to Law and Rules as are applicable to all the other parts of the country. In this respect, the Regional Council may, in order to get the required or timely help make requests to the appropriate authority.

b) The lands and premises abandoned by the cantonments, the camps of the military and para-military forces shall be make over to their real owners or to the Hill District Councils.

18. Against all the posts of officers of all ranks and employees of different classes in government, semi-government, local government and autonomous bodies of the Chittagong Hill Tracts, the permanent dwellers of the Chittagong Hill Tracts shall be appointed, subject to priority being given to the tribals. But, in case of non-availability of a qualified person among the permanent dwellers of Chittagong Hill Tracts for any post, appointment may be made to such post on deputation from the Government or for a definite period.

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:

- 13) The Minister on Chittagong Hill Tracts;
- 14) The Chairman/Representative, Regional Council;
- 15) The Chairman/Representative, Rangamati Hill District Council;
- 16) The Chairman/Representative, Khagrachari Hill District Council;
- 17) The Chairman/Representative, Bandarban Hill District Council;
- 18) The Member of the Parliament, Rangamati;
- 19) The Member of the Parliament, Khagrachari;
- 20) The Member of the Parliament, Bandarban;
- 21) The Chakma Raja
- 22) The Bohmang Raja
- 23) The Mong Raja
- 24) 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

An Overview of the Chittagong Hill Tract Issue

The Chittagong Hill Tracts (CHT), southeastern part of Bangladesh, comprises a total area of 5,093 sq. miles with over 1.4 million populations. Among them, the indigenous Jumma peoples are around 800 thousands and Bengali Muslim settlers are around 625 thousands. From the time immemorial, CHT had been the peaceful abode to the indigenous peoples. They collectively identify themselves as the Jumma peoples (High Landers). They are distinct and different from the majority Bengali people of Bangladesh in respects of race, language, culture, heritage and religion.

Before the annexation of the then Chakma kingdom in 1860, the indigenous Jumma peoples of CHT were free from external interference by any outside power in the affairs of the CHT. After 1860 and until 1900 the British government administered CHT through a set of Rules promulgated from time to time. For the maintenance of discipline among the police personnel in the CHT, Frontier Police Regulation III of 1881 was promulgated on 7 December 1881 and CHT Police Force was raised only with the indigenous Jumma peoples. In 1900, for the good governance of CHT, the British India Government enacted the CHT Regulation, 1900 (Regulation 1 of 1900) and declared the region as an "Excluded Area" in order to protecting rights of the Jumma peoples on land and revenue, administration and social customs. In fact, several provisions of the Regulation of 1900 functioned as a safeguard for the Jumma peoples and it prohibited the land ownership and migrations of non-indigenous peoples into CHT.

In August 1947, the British handed over the administration of CHT to the government of Pakistan. The Pakistan government, as per the provision of the Indian independence Act, 1947, maintained CHT as an Excluded Area and the CHT Regulation, 1900 and even retained them in the first Constitution of Pakistan, which was passed in 1956. It is noted that the government of Pakistan with an eye of suspicion wrongfully identified Jumma people as anti-Pakistani as well as anti-Islamic. Consequently, there was a sharp discrimination meted out against the Jumma peoples in jobs, business and education. The government policy soon clearly revealed through the repealing of the CHT Frontier Police Regulation, 1881 resulting in the disbanding of the Jumma police force in 1948 and repealing provision for Excluded Area Status in 1963. However, it did not dare cease the CHT Regulation, 1900. But it violated the provisions of the Regulation and illegally settled some thousand Bengali Muslim Refugee families driven away from Assam and Tripura States of India in 1950s and 1960s in Longadu, Naikhyongchari, Lama and Alikadam

areas. In addition, after the 1965 border conflicts with India in the Feni Valley the Government of Pakistan adopted a policy of population migration from plain districts along the Feni borders. Consequently, it enhanced strategy of exterminating the Jumma peoples from CHT.

Bangladesh emerged as a nation state in 1971 and it continued pursuing the same policy towards the Jumma peoples of CHT. The Jumma peoples, having assembled under the banner of PCJSS led by the great leader Manabendra Narayan Larma, MP demanded their rights to self-determination in the form of Autonomy for CHT with separate legislation within the framework of the Constitution. But demand was vehemently opposed and was put in a big question by the then civic polity. Though the maiden government of Bangladesh ratified the ILO Convention No. 107 on Indigenous and Tribal Populations yet spiritually it had been in lacking of being in line with the Convention. Government of Bangladesh framed its first Constitution in 1972. But it, denied recognising ethnic entity of the Jumma peoples and providing rights to them in the Constitution. In addition, it accelerated oppression upon the Jumma peoples, stepped up militarisation through erecting 3 military cantonments and patronising political migration of plainlanders.

With the assassination of Sheikh Mujibur Rahaman in 1975 and assumption of power by the military generals, the political scenario in CHT got abruptly changed. At certain phase, due to the total closure of all the avenues leading to democratic movement, Manabendra Narayan Larma MP and the pioneer of CHT Jumma movement obliged to call for an armed struggle. The Government of Bangladesh undertook a drastic program in 1980s to settle the Muslim Bengalee population from the plains in a bid to outnumbering the Jumma peoples and use them as human shield and keeping the areas under occupation to sustain the counter-bush warfare for long. The government declared that each settler family would be given 7.5 acres of lands for settlement with free ration for unlimited period including other logistical supports. General Ziaur Rahaman re-identified the CHT issue as an economic problem. Soon the CHT Development Board Ordinance 1976 was promulgated on the pretext of CHT development, which was followed by establishment of CHTDB, in fact, covertly to support the counter-bush warfare and sustain the population-transfer process in CHT.

Following the murder of Ziaur Rahaman and subsequent developments in scrambling for power among the Generals, General H M Ershad came to power through a bloodless Coup. It is General Ershad who brought in a new dimension in CHT politics by opening dialogue with the PCJSS. But his design was not accommodative enough to offer a political solution to the CHT problem. Later on, as a President in civil attire, he strived to hunt down PCJSS by introducing Local Government Council System in CHT in a distinctive manner in 1989. But he continued the 'Operation Wild Fire' introduced by his predecessor Ziaur Rahamn in versatile manner. Also he did not give up but intensified the earlier policy of settling the Muslim Bengalee plain landers at the cost of evicting the indigenous Jumma peoples from their lands and homesteads associated with massacres

and other atrocities. In 1986, it is during his tenure, the indigenous Jumma peoples obliged to cross over the border lines enmasse to take shelter as refugees in India.

In 1991, four-party coalition led by Bangladesh Nationalist Party (BNP) with the active support of the fundamentalist quarters could win the election bringing curtain fall of Jatiya Party led by H M Ershad. Khaleda Zia was made the Prime Minister. The changes in power politics, however, did not bring in any headway in CHT situation without continuation of holding dialogues with PCJSS only to produce no headway. Khaleda Zia's tenure witnessed the Logang Massacre in 1993 at which more than 20 thousands Jumma peoples had to follow the path leading to joining the refugees sheltered in Tripura State of India. Thus, at a certain stage the total number of the Jummas who went to Tripura State went up to 75,000. About one hundred thousand internally displaced Jumma families had to take shelter in the deep forests and remote areas of the region.

However, the PCJSS always kept the door open for dialogue for resolving the CHT problem through political and peaceful means. For this purpose, the PCJSS held 6 and 13 times formal dialogues with the governments of Ershad and Khaleda Zia respectively. At last, after holding 7 rounds of dialogues with Sheikh Hasina government an accord named 'CHT Accord' was signed between the National Committee on the CHT Affairs, on behalf of the Government of Bangladesh and the PCJSS on behalf of the permanent residents of the CHT in Dhaka on 2 December 1997. The CHT Accord, however, could conclude the decades-long fierce internal war. This Accord was welcomed by not only the Jumma peoples of CHT and democratic and progressive political parties of Bangladesh but also warm welcome was accorded by the United Nations, European Union and the democratic world including many national and international organizations, agencies and distinct personalities as well.

On the contrary, some political parties of Bangladesh being blind-folded with fundamentalist and ultra-Bengali nationalist ideals promptly rejected the Accord terming it to be unconstitutional, dangerous to the sovereignty of the country. In addition, a tiny faction of Jumma youths backed by vested group of ruling class also took side against the Accord.

It is also very painful to cite that the Awami League government had and has miserably failed to extol its sincerity and honesty in implementing the Accord as being one of the signatories. Sheikh Hasina, the Prime Minister even bagged UNESCO Houpet-Felix Boigny Peace Award in 1999 for being able to draw a peace line in CHT. Unfortunately, what was done by the then Awami League government and as of now, may be ascribed to super-ficial implementation of the Accord only. The core issues of the Accord are yet to be implemented without which the establishment of perennial peace cannot be taken into account. The core issues, among others, includes the restoration of lands, protection of rights of the Jumma peoples, removal of the Muslim Bengalee settlers, lifting of military rule, closing down of temporary camps and properly activation of the special administration system of CHT as per the Accord.

The BNP-led four-party coalition government (2001-2006) also followed dilly-delay tactics in implementing the Accord. In addition, the four-party coalition government violated some vital clauses of the Accord and even distorted some clauses that were implemented during the period of the then Awami League government. The Caretaker Government led by Dr. Fakhruddin Ahmed did not take any positive measure towards implementation of the CHT Accord.

Since assuming power by the Awami League-led present Grand Alliance Government of Bangladesh on 6 January 2009, the government, in the meantime, took few steps to have initiative about implementation of the CHT Accord. These were basically reconstitution of some committees and appointment in some posts. Hence, no basic changes have been achieved during the period of present grand alliance government. Rather, there has been hardly any positive development on the overall situation in CHT. Expansion of settlements and forcible land grabbing by the Bengali settlers with the support of military and civil administration continue unabated in all the three districts of CHT.

Under the disgraceful dilly-delay tactics of the successive governments including the present grand alliance Government led by Awami League, the Accord has been caused to suffer during all through another long period from December 1997 to this day. Especially the main issues like introduction of special governance system in CHT with effective enforcement of the three HDC Acts and CHTRC Act, preserving the characteristics of tribal-inhabited region and attaining the overall development thereof, resolution of the existing land disputes through the Land Commission, rehabilitation of returnee Jumma refugees and internally displaced Jumma families, withdrawal of temporary camps of security forces and putting an end to the de facto military rule, preparing fresh voter lists only with the permanent residents of CHT etc. have been either left unimplemented or only partially implemented.

It lacks not only sincerity on the part of the government in implementing the Accord, but also there are the quarters of vested interests inside the ruling parties, civil administration, military in CHT and the last but not the least is the Islamic fundamentalist to impede the implementation process ever since the very beginning.