

**A Brief Report  
On Implementation of the CHT Accord  
Signed in 1997 between  
The Government of Bangladesh and the PCJSS**



**Parbatya Chattagram Jana Samhati Samiti**

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## Forewords

The historic Chittagong Hill Tracts (CHT) Accord that was signed in 1997 between the Bangladesh government and Parbatya Chattagram Jana Samhati Samiti (PCJSS) vowing to resolve the CHT crisis by political and peaceful means has now passes 24 years. But the Accord has not yet been properly implemented even after 24 years. Consequently, the political and peaceful solution to the CHT crisis could not have been achieved through the Accord. Hence, the special administrative system in CHT has not been established precisely. The subjects, such as, general administration, law & order, police, land & land management, forest & environment, tourism, development of communication system, etc. have not yet been brought under the control of the CHT Regional Council and the three Hill District Councils, which were introduced under special administrative system. As it has been during the pre-Accord era, these subjects are still being looked after by the Deputy Commissioners, Superintendents of Police and the army. the police department and Deputy Commissioners at district and Upazila Executive Officers at upazila (sub-district) levels are applying the power violating the act as before.

As a result, the permanent residents of CHT have remained deprived of determining their own development by themselves as to this day. Hence, the 'Top Down' development culture has remained in force as it has been in the earlier days. In consequence to such development process, a dreadful negative impact has been being overshadowed the very national entity of the Jumma people and existence of their birth land, their culture and livelihood and natural environment & bio-diversity of this region. As a result, the CHT crisis has become more and more complicated, let alone solution of the desired political solution of the crisis even after 24 years.

Awami League government, the signatory of the CHT Accord is in the state power all through the last 13 years since 2009. But, this government has not paced forward in implementing the core issues of the Accord during such a long span of time. In practice, it happened that the government has never stepped up effective measure directing to implementation of the Accord, in addition, has been continuously propagating untrue information following Goebbels' style. With a view to concealing their failure in implementing the Accord, the government has been propagating untrue and one-sided information that meanwhile, 48 of the 72 sections of the Accord have been fully implemented while 15 more sections have been partially implemented and the remaining 9 sections are being processed in the pipeline. Whereas, it is fact that only 25 sections out of 72 have been implemented while 18 sections have been partially implemented. The remaining 29 sections have been left fully unimplemented to this day and the government has been violating those sections of the Accord all the time unabatedly.

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A report dated 1 April 2015 titled 'Statement of unimplemented Issues of the CHT Accord' and 16 attachments of indexes as supporting documents thereof has been submitted by PCJSS to the Prime Minister Sheikh Hasina. Moreover, once again, the PCJSS has also placed report on its opinion in response to the government's latest statement titled 'Report on the Implementation of the CHT Accord and Progress' placed by the Secretary of Ministry of CHT Affairs (MoCHTA) in the meeting of the CHT Accord Implementation and Monitoring Committee held on 20 October 2019. Despite being so, the government has been spreading out ill-propagation on implementation of the CHT Accord and continuing anti-Accord programs, as earlier. The unimplemented issues of the CHT Accord, among others, are:-

- To take legal and administrative step to preserve the tribal-inhabited feature of CHT;
- To devolve political, administrative and economic powers & functions including the subjects of General Administration, Law & Order, Police, Land & Land Management, Forest & Environment, Tourism, Development of Communication System, etc. to the CHT Regional Council and the three Hill District Councils;
- To hold elections in the CHT Regional Council and the three Hill District Councils having the Election Rules and Electoral Roll Rules formulated and with the permanent residents enumerated accordingly;
- To withdraw all temporary camps including the military rule named 'Operation Uttoron';
- To return the illegally occupied lands to the Jumma people by settling through the Land Dispute Resolution Commission;
- To rehabilitate the India-returnee Jumma refugees and Internally Displaced Jumma families in their respective lands after having returned to the original owners;
- To cancel the leases given to the non-resident individuals;
- To appoint the permanent residents in all the jobs available in CHT with priority to the Jumma people;
- In order to make consonance with the CHT Accord, to bring amendment to all the laws applicable to CHT including the Police Act 1861, Police Regulation, Forest Act 1927 and CHT Regulation 1900;
- To rehabilitate the Bengali settlers outside CHT with dignity and honor, etc.

Instead of resolving the CHT problem by political and peaceful means, the present government has been following the policy of military solution alike the foregone dictatorial rulers. To that end, more than 20 camps have been re-established amid Covid-19 pandemic and military campaigns are being conducted in nook and corner against the Jumma people in fascist manner. Wide range of ill-propagation and

conspiring activities are being carried out intending to criminalize the individuals and organizations engaged in the movement demanding for implementation of the CHT Accord including the PCJSS activists and supporters of the Accord, as 'terrorists', 'extortionists' and 'armed miscreants.' The action programs designed to anti-humanity and anti-interest of the Jumma people have been escalated in the forms of military campaigns upon the Jumma people, searching houses, arrests, extra-judicial killings in the name of cross-fire, filing up fabricated cases, infiltration of outsiders, forcible land occupation, anti-Accord activities, etc.

On the other hand, in order to obstruct the implementation process of the Accord, to turn the movement for implementation of the Accord toward different direction, and over all, with an intention to realize ethnic cleansing of the Jumma people, a reign of anarchism has been established through unleashing the UPDF, JSS (MN Larma) Reformist gang and UPDF (Democratic) armed terrorist groups created by the army and the local leadership of ruling party, the army-sponsored Mog Party, RSO and ARSA armed terrorist groups by inciting them in killings, extortions and other terrorist activities. Alongside, having the Muslim settlers, ultra-nationalists and ultra-communal groups gathered under 'CHT Citizens Council' are being incited against PCJSS and CHT Accord.

Thus, by trampling down the CHT Accord, once again, the CHT is being pushed apart as it was done in 1970s. It requires no mention to say that the military solution as an alternative to political and peaceful solution to certain political problem has ever brought in auspicious fruition to any country in the world. It does not need to cite afresh that the conspiracy of attrition of the Jumma people during their tenures of the country's despotic rulers did not bring in good result to the national interest. Meanwhile, it has already been proved that real democracy can never be institutionalized while letting alive the conspiracy of ceasing national entity of the Jumma people to exist under military administration and suppression & oppression in CHT, the one-tenth part of the country. Indeed, that there cannot be any alternative to the proper implementation of the CHT Accord to resolve the CHT crisis politically and peacefully – the truth, sooner the ruling class of the country takes time to realize, so sooner will be the well-being for the country.



## **Latest statement of the government and Opinion of the PCJSS thereof on implementation of the CHT Accord**

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

According to the government report titled 'CHT Accord Implementation and Progress' placed by the Secretary of Ministry of CHT Affairs in the CHT Accord Implementation & Monitoring Committee Meeting held on 20 October 2019, out of the 72 sections, 48 sections have already been completely implemented, 15 sections partially implemented while implementation process is on the run with the 9 sections. But according to the PCJSS, it is only 25 sections out of 72 have been implemented while 29 sections have been left totally unimplemented and the government has been violating these sections, instead. The remaining 18 sections have been partially implemented. In context of the latest government statement, the opinion of the PCJSS has been given herein below:

Section	Provision of Accord	Latest Statement of Government	Opinion of PCJSS
<b>(A) GENERAL:</b>			
<b>A.1.</b>	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.	<b>Implemented.</b> Outline has been given in the Government's Vision 2021 and in 7th Five-Year Plan. Preservation and development issues of language and culture of tribes, small ethnic groups and nationalities have been ensured through inclusion under Sub-Article 23(a) of the 15th Amendment of the Constitution.	<p><b>Unimplemented.</b> In ensuring the provision of the Accord, the other provisions, such as, resolution of land disputes, establishment of special administrative system in CHT, rehabilitation of returnee refugees and internally tribal families, determination and execution of definition of non-tribal permanent residents, preparation of electoral roll with the permanent residents etc. have been incorporated in the Accord. In context of demand placed by PCJSS, the then Chief Whip Mr. Abul Hasnat Abdullah, Convener of National Committee on CHT Affairs time and again informed the PCJSS representatives that the settlers who had been rehabilitated in 1980s, as assured by the Prime Minister, would be relocated in the plain lands. But it was for some special reason that could not be mentioned in the Accord. Referring to that assurance, Honorable Prime Minister reiterated the issue to the PCJSS representatives headed by PCJSS President soon after the occasion of signing the Accord on 2 December 1997 in Dhaka.</p> <p>The statement pronounced by the government claiming that the issue of development and preservation of language and culture of the tribes, minor races, ethnic sects and communities has been ensured through inclusion in Article 23(a) under the 15th Amendment to the constitution is not appropriate.</p> <p>In order to preserve the tribal pre-dominated characteristics of the region, on part of the government, it is urgent (1) to introduce a statutory measure to the constitution stating that CHT is a region pre-dominated by multi-lingual hill/tribal people; (2) to incorporate the words 'or the hill people of Chittagong Hill Tracts' immediately after the words "in favour of women or children or the backward sections of citizens" in Article 28(4) of the constitution and (3) to adopt and implement a plan for rehabilitation of settlers settled in 1980s in the plain districts. However, no measure has yet been undertaken to that affect.</p>
<b>A.2.</b>	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.	<b>Implemented.</b> Three Hill District Council Acts 1989 have been amended as per the Accord and put into effect. The CHT Land Dispute Resolution (Amendment) Act 2016 was approved in the great Jatiya Sangsad (National Parliament) and it was published in the gazette on 13 October 2016. Under jurisdiction of the said Act, for formulation of Rules, the Draft Rules 2016 was sent to the Ministry of Land on 13 October 2016. At present, the framing of the Rules 2016 of the CHT Land Dispute Resolution Commission is undergoing in the Ministry of Land.	<p><b>Unimplemented.</b></p> <p>The three Hill District Council Acts and CHT Regional Council Act were formulated in 1998. The CHT Land Dispute Resolution Commission (Amendment) Act 2016 was though enacted owing to amend contradictory sections of the CHT Land Dispute Resolution Commission Act 2001, but the Rules of the Land Commission is yet to be finalised.</p> <p>For making the said provision of the Accord effective, amendment to the other laws applicable in CHT (such as, Laws, Regulations, Rules, Orders, Circulations, Allocation of Business of various ministries, etc.) including Police Act 1861, Police Regulation, Forest Act 1927 and the special laws relating to CHT (such as, CHT Regulation 1900, etc.) is a must. The CHT Regional Council submitted amendment proposals of various laws, regulations and circulations, however, the government did not take any initiative in this regard. So, the government opinion claiming the provision 'to have been completely implemented' is not correct.</p>

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<b>(A) GENERAL:</b>			
<b>A.3.</b>	<p>In order to monitor the process of implementation of this Agreement, an Implementation Committee will be formed with the following members:</p> <p>a) A member to be nominated by the Prime Minister: Convener</p> <p>b) The Chairman of the Task Force formed with the Purview of this agreement: Member</p> <p>c) The President of the Parbatya Chhattragram Jana Samhati Samiti: Member</p>	<p><b>Implemented.</b> In order to monitor the Accord implementation process, a 3-member Committee has been re-constituted with Abul Hasnat Abullah, Member of Parliament, as the Convener on 18/01/2018.</p>	<p><b>Partially implemented.</b></p> <p>According to the provision of the Accord, the CHT Accord Implementation Monitoring Committee has been being formed so far. But this Committee does not have any office and manpower of its own. So, the government opinion claiming the provision 'to have been completely implemented' is not correct.</p>
<b>A.4.</b>	<p>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.</p>	<p><b>Implemented.</b> The CHT Accord is in force since the date it was done and signed by both the parties. Overall efforts are on to resolve the two suits filed against the Accord with the High Court in the years of 2000 and 2007.</p>	<p><b>Implementation ongoing.</b> In 2000 and 2007 two cases were filed with the High Court division of Supreme Court against CHT Accord and the three Hill District Council Act(s) formulated there under. The verdict given by High Court on 13 April 2010 pronounced CHT Regional Council and some of the sections in Hill District Council Act to be contravening to the constitution, which was stayed by the Chamber Court of the Appellate Division following the writ against verdict of the High Court'</p> <p>No initiative has been undertaken on part of the government during the last 12 years for speedy resolution of the two on-going suits in the Appellate Division. Hence, the government opinion claiming the issue as 'to have been completely implemented' is not correct.</p>
<b>(B) HILL DISTRICT LOCAL GOVERNMENT COUNCIL/HILL DISTRICT COUNCIL:</b>			
<b>B.</b>	<p>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:</p>	<p><b>Implemented.</b></p> <p>According to the CHT Accord, having the concerned sections added, the three Hill District Council Acts have been put into force. There is a set of Rules of Business framed by the three Hill District Councils.</p>	<p><b>Partially implemented.</b></p> <p>Though the three Hill District Council Acts have been amended, the section on development has not been amended properly. The Chairmen have not been re-awarded status of the Deputy Minister. The functions of three Hill District Councils have not been being transferred through Executive Order. In fact, the Hill District Council Acts are not being applied properly.</p>

Section	Provision of Accord	Latest Statement of Government	Opinion of PCJSS
<b>(B) HILL DISTRICT LOCAL GOVERNMENT COUNCIL/HILL DISTRICT COUNCIL:</b>			
<b>B.1.</b>	The word "Tribe" used in the various sections of the Council Act shall remain in tact.	<b>Implemented.</b>	<b>Implemented.</b>
<b>B.2.</b>	The name of "Parbatya Zilla Sthanio Sarkar Parishad" shall be amended and this Council shall be re-named as "Parbatya Zilla Parishad".	<b>Implemented.</b>	<b>Implemented.</b>
<b>B.3.</b>	"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.	<b>Implemented.</b> During amendment to the Hill District Council Acts in 1998, the definition titled: "Non-tribal permanent resident" has been amended.	<b>Unimplemented.</b> Having the section violated, the office order of dated 21/12/2000 that was given by the Ministry of CHT Affairs empowering the Deputy Commissioners with authority for issuing Permanent Resident Certificate alongside the Circle Chiefs. This illegal office order has not been withdrawn despite repeated demand. The Deputy Commissioners have been issuing the Permanent Resident Certificate to those non-tribals who are not residents of CHT. Certificate of the category is being used, especially, in obtaining job, land settlement, loans, enrollment in Electoral Roll or admission for education under quota system.
<b>B.4.</b>	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>Implemented.</b> The Hill District Council Acts have been properly amended. As per section 16(a), the Interim Councils are in function. The provision will be ascertained in the elected Councils.	<b>Unimplemented.</b> Though the interim Councils are in function, but the women members could not be elected in the reserved seats.
	b) Sub-section 1, 2, 3 and 4 of section 4 shall remain in force as per the original Act.	<b>Implemented.</b>	<b>Implemented.</b>
	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.	<b>Implemented.</b>	<b>Implemented.</b>

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<b>(B) HILL DISTRICT LOCAL GOVERNMENT COUNCIL/HILL DISTRICT COUNCIL:</b>			
	<p>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"</p>	<p><b>Partially implemented.</b> Opinion in this regard has been accumulated from the Ministry of Law, Justice and Parliamentary Affairs. The Ministry of Law, Justice and Parliamentary Affairs, having reviewed the Hill District Council Act, expressed their legal opinion stating: "The Deputy Commissioners of the concerned Hill Districts, shall be in the authority to issue 'Permanent Resident Certificate' in all requirements including the jobs.</p>	<p><b>Unimplemented.</b> The said provision of the Accord has been duly incorporated in the new Sub-Section (5) under Section 4 of the Hill District Council Act. But the provision has never been implemented.</p> <p>It is mentioned in the letter from Ministry of CHT Affairs to the Deputy Commissioners and Circle Chiefs of Chittagong Hill Tracts [letter no. PCBM (P-1) PJP/certificate/62/99-587 dated 21/12/2000] that "Alongside the Deputy Commissioners of Hill Districts, the Circle Chiefs, in need relating to job, shall also issue Permanent Resident Certificate within their respective jurisdiction." The directive given in the letter is contravening to the Hill District Council Act enacted in light of the CHT Accord.</p> <p>It is to be mentioned that the Deputy Commissioners of three hill districts have been issuing Permanent Resident Certificates to such individuals who are not permanent residents of hill districts. The certificates of the kind have been being used especially, in obtaining jobs, land settlements or in admission cases of educational institutions. At this, the permanent residents of both tribal and non-tribal people are being deprived from getting jobs and opportunities of receiving due facilities during admission in the educational institutions all along.</p> <p>A threadbare discussion on putting an end to the process of obtaining the said certificates from the Deputy Commissioners by the non-resident and non-tribal individuals in CHT and from outside CHT, was held at Ministry of CHT Affairs Conference Hall under chair of Syeda Sajeda Chowdhury, then Convener of CHT Accord Implementation Committee on 26 December 2010 and it was resolved that issuance of certificate by the Deputy Commissioners shall be cancelled.</p> <p>The responsibility of taking initiative to execute the said decision of CHT Accord Implementation Committee falls upon the Ministry of CHT Affairs. But no initiative has been undertaken to execute the said decision as yet.</p> <p>It is to be mentioned that there is no provision relating to issuance of 'Permanent Resident Certificate to the non-tribal people' in CHT Regulation, 1900 and it is only the responsibility of granting citizenship certificate (v. granting domicile certificate) has been entrusted to the Deputy Commissioners in the Sub-directive No. 5 of Directive No. 11 (Licence and Certificates) under 'Charter of Duties of Deputy Commissioners' formulated by Cabinet Division in November 1983.</p> <p>So, to withdraw the directive relating to entrusting responsibility of issuing non-tribal permanent resident certificate to Deputy Commissioners is indispensable.</p>

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<b>B.5.</b>	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".	<b>Implemented.</b> The Hill District Council Acts have been amended. In assuming office of the elected Chairmen and members, the provision is worthy to be followed.	<b>Unimplemented.</b> This provision has been left unimplemented as to this day.
<b>B.6.</b>	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".	<b>Implemented.</b>	<b>Implemented.</b>
<b>B.7.</b>	The words "three years" in the second line of Section 10 shall be substituted by the words "five years".	<b>Implemented.</b> The tenure of Hill District Council mentioned under section 10 of Hill District Council Acts have been amended. The issue of tenure is applicable to elected Council. At least the provision is not relevant to the Chairmen and members of the Interim Councils.	<b>Unimplemented.</b> The elected Councils for not having formed, functions are being performed by the interim Councils. The interim Councils are subject to undergo reorganization with own partisan individuals as per whims and wishes of the parties that alternately assume the power.
<b>B.8.</b>	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.	<b>Implemented.</b>	<b>Implemented.</b>



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<b>(B) HILL DISTRICT LOCAL GOVERNMENT COUNCIL/HILL DISTRICT COUNCIL:</b>			
<b>B.9.</b>	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.	<b>Partially implemented.</b> The Hill District Council Acts were amended in 1998. The land ownership or land dispute issue is lying under implementation process by Land Commission, hence, permanent residents of CHT have not been determined. Besides, opinion of the Attorney General has been sought through Law, Justice and Parliamentary Affairs Ministry as to whether a separate Electoral Roll could be done for elections in the Hill District Councils. Despite persuasion for several times, no opinion was made available. At last, the Reminder letter-15 was sent to the Secretary, Law & Justice Division of the Law & Justice and Parliamentary Affairs Ministry on 13/07/2018.	<p><b>Unimplemented.</b> The provision of the Accord as aforesaid has been incorporated under Section 17 of the HDC Act. But this provision has not been made effective. It is worthy to be mentioned that the provision of permanent resident to become a voter is one of the provisions that have been incorporated to preserve the tribal-inhabited feature of CHT. Especially, the balance of population got changed due to transfer of almost 500,000 non-tribal people to CHT under government plan in 1980s. Hence, it has become indispensable to incorporate this provision in the Accord.</p> <p>Ministry of CHT Affairs drafted Electoral Roll Rules 2000 for the three hill districts and Election Rules for the Chairman and the Members of Hill District Council in 2000. The CHT Regional Council submitted its recommendations on these laws following Section-53 of the act. The Ministry of CHT Affairs sent it to the Ministry of Law &amp; Justice and the Ministry of law &amp; Justice sent the same to the Attorney General in the Supreme Court for appropriate interpretation. In that regard, the Ministry of CHT Affairs has sent letters to the Ministry of Law &amp; Justice for many times from 2001 to till-to-date. But the regulations have not yet been framed for the final. So, the opinion of the government stating the provision to have been 'partially implemented' is not correct.</p> <p>While violating the provision, the outsiders including the Rohingyas are also being inumerated in the Electoral Rolls in CHT. The Election Rules of Chairman and Members of Hill District Council and the Electoral Roll Rules of Permanent Residents have not yet been framed up. Without bringing to the notice of CHT Regional Council, Section 18 under Hill District Council Acts (the Acts of 33, 34 and 35 of 2000) has been amended in contravention to the CHT Accord. Despite protestation, the contravening provision has not yet been made consonance to the CHT Accord.</p>
<b>B.10.</b>	The words "delimitation of constituencies" appearing in sub-section 2 of Section 20 shall be distinctly incorporated	<b>Implemented.</b> The provision has been separately inserted to the Hill District Council Act. With the beginning of election process, the constituencies will be finalized along with other programs.	<b>Unimplemented.</b> Though it has been included, the "delimitation of constituencies" have not yet been done.
<b>B.11.</b>	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.	<b>Implemented.</b>	<b>Implemented.</b>

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<b>B.12.</b>	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.	<b>Implemented.</b> It has been properly added to the Council Act.	<b>Unimplemented.</b> Though there is provision by merit of which the Circle Chiefs are to join the Council sessions, the concerned Circle Chiefs are not invited in the meetings.
<b>B.13.</b>	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.	<b>Implemented.</b>	<b>Partially implemented.</b> In most cases, non-tribal officials are appointed as the Chief Executive Officers in the Councils on deputation.
<b>B.14.</b>	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>Implemented.</b> The Hill District Council Acts were amended in 1998.	<b>Implemented.</b>
	b) Sub-section (2) of the Section 32 shall be formulated in the following manner "The Council shall, as per	<b>Implemented.</b> The Hill District Council Acts were amended in 1998. The tribal people are being given	<b>Partially implemented.</b> The provisions of the Accord have been incorporated under Sub-Sections (1), (2), (3), and (4) of Section 32. But the provision is not being applied. But the Hill District Councils, as per their advantages or whims and wishes, have been giving

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<b>(B) HILL DISTRICT LOCAL GOVERNMENT COUNCIL/HILL DISTRICT COUNCIL:</b>			
	<p>Regulations, have competence to appoint Class-III and Class-IV employees and to transfer, suspend, dismiss, remove or otherwise punish them.</p> <p>Provided that it shall be the condition attached to such appointments that the tribal residents of the district concerned shall have right of preference".</p>	<p>preference in jobs. Monitoring system will be strengthened to maintain transferency.</p>	<p>appointment to the 3rd and 4th class employees by the appointment committee so formed. In some cases, without following provisions of the Hill District Council Act, the Councils have been giving appointment to the 3rd and 4th class employees as per the general quota-based policy existent in the country. Besides, the non-resident and non-tribal individuals gain employment in the Hill District Councils on the basis of certificates granted by the Deputy Commissioners based on the certificates from Union Parishad Chairman or Municipality Chairman. As a result, the permanent residents are being deprived from their due rights.</p> <p>In the posts of the council i.e. for the posts of 1st and 2nd class officers, in most cases, the government appoints the non-residents and non-tribal officers on deputation. As a result, the provision, for the objective of which has been incorporated, could not be implemented properly. That the government opinion on this provision stating 'to have been implemented' is not correct.</p> <p>During the tenure of present grand-alliance Government, outsiders are being appointed in the posts of 3rd and 4th class jobs in the three hill districts through a chenalized manner of extreme corruption and partisan line. In 2010, during appointment of teachers at the initiative of Bandarban Hill District Councils, 18 Bengali and 2 tribal candidates were given appointment in the post of head teacher which was an example of violation of this provision.</p>
	<p>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.</p>		
<b>B.15.</b>	<p>The Words as per Rules shall be inserted in sub-section (3) of Section 33.</p>	<b>Implemented.</b>	<b>Implemented.</b>
<b>B.16.</b>	<p>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.</p>	<b>Implemented.</b>	<b>Implemented.</b>

Section	Provision of Accord	Latest Statement of Government	Opinion of PCJSS
<b>(B) HILL DISTRICT LOCAL GOVERNMENT COUNCIL/HILL DISTRICT COUNCIL:</b>			
<b>B.17.</b>	<p>a) The provision starting with "Fourthly" in sub-section (1) of Section 37 of the original Act shall remain in tact.</p> <p>b) The phrase "as per as" shall inserted in clause 'D' of sub-section (2) of Section 37.</p>	<b>Implemented.</b>	<b>Implemented.</b>
<b>B.18.</b>	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".	<b>Implemented.</b>	<b>Implemented.</b>
<b>B.19.</b>	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".	<b>Partially Implemented.</b> The Hill District Council Acts were amended in 1989. Having the Hill District Councils as the main institutions of public representation, the development programs are being implemented through the Hill District Councils in the interest of hill district residents. Efforts are taken to ensure that all the national-level-development programs are executed through the Hill District Councils, instead of the local respective offices of the concerned departments.	<p><b>Unimplemented.</b> Provisions relating to developments have not been properly incorporated in the Act. The development programs of Hill District Councils are implemented by the approval of the CHT Affairs Ministry. Besides, most of the development programs are implemented through the CHT Development Board with the approval of CHT Affairs Ministry by-passing the CHT Regional Council and Hill District Councils.</p> <p>It is to be mentioned that in accordance with Section 22(d) of the CHT Regional Council Act of 1998, the CHT Regional Council has the authority to coordinate and supervise all development programs of the three Hill District Councils including CHT Development Board. However, the Government has been violating the said provisions of the Hill District Council Act and CHT Regional Council Act. Hence, this provision has not yet been implemented. The government opinion stating the provision 'to have been partially implemented' is not correct.</p>
<b>B.20.</b>	The word "Government" appearing in the second line of sub-section (2) of Section 45 shall be substituted by the word "Council".	<b>Implemented.</b>	<b>Implemented.</b>
<b>B.21.</b>	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	<b>Implemented.</b>	<b>Implemented.</b>

Section	Provision of Accord	Latest Statement of Government	Opinion of PCJSS
<b>(B) HILL DISTRICT LOCAL GOVERNMENT COUNCIL/HILL DISTRICT COUNCIL:</b>			
	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.		
<b>B.22.</b>	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".	<b>Implemented.</b> The provision providing obligation to reconstitute the Council within ninety days of cancellation of the Council has been amended in the Hill District Council Act	<b>Unimplemented.</b> Though the provision of reconstitution of the council as per the Act within ninety days after publication of the cancellation order in the government gazette exists, instead of holding elections, the government has been conducting the Councils undemocratically through the interim Councils formed with the party-nominated people. The government opinion stating the provision 'to have been implemented' is not correct.
<b>B.23.</b>	The word "Government" will be replaced by word "Ministry" in the third and fourth lines of Section 61.	<b>Implemented.</b>	<b>Implemented.</b>
<b>B.24.</b>	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	<b>Partially implemented.</b> The Home Ministry, in case with appointment in the police, expressed its consent through letter-Memo No.Swa:M:/pu-2/Bibidha-1/2005/980 dated 04/09/2010 whereby to follow relaxation for the male tribal height up to 5'-4" in place of 5'-6" and for tribal female 5'-2" and it is being followed.  However, with a view to build a mixed police force, appointment to the tribal candidates has begun	<b>Unimplemented.</b> Though the provision of appointment to Sub-Inspector and sub-ordinate ranks for the Hill District Police has been included in the Act, no effective measure has been undertaken to put the authority of provision into effect through the concerned Hill District Council, as per the law. The local police force has not yet been formed with the permanent residents while ensuring preference to the tribal people. On the other hand, as it has been earlier, transfer and other disciplinary actions in the police force have been being exercised directly by the higher authority of police. The said provisions have not yet been implemented.  In this regard, it is to be mentioned that the subject Police (local) had been transferred to the Hill District Councils by the Home Ministry through an executive order dated 12-07-1989. But the transfer was cancelled 7 days after issuing the order. That the government claim while mentioning "the provisions to have been partially implemented" and "accordingly, in order to

Section	Provision of Accord	Latest Statement of Government	Opinion of PCJSS
<b>(B) HILL DISTRICT LOCAL GOVERNMENT COUNCIL/HILL DISTRICT COUNCIL:</b>			
	<p>accordance with the procedure prescribed by the Regulations;</p> <p>Provided that, the tribals of the district shall have preference in case of the said appointment.</p>	<p>candidates has begun</p>	<p>maintain mixed police system in the three hill districts, appointment to the tribal people has begun," is not correct.</p> <p>It is to be mentioned further that in recent days, in order to control the law &amp; order in the three hill districts, the Ministry of Home Affairs has taken up the lead violating the terms of CHT Accord and three Hill District Council Acts and deployed one battalion of Rapid Action Force (RAB) in CHT. It is direct violation of the CHT Accord and Hill District Council Acts. It would definitely lead to hindrance in implementing the Accord.</p>
	<p>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".</p>	<p><b>Partially implemented.</b></p>	<p><b>Unimplemented.</b> With regards to exert duties and responsibilities of all level officials and personnel of Hill District Police, having brought in necessary amendment to the other concerned laws and accordingly thereof, the provisions by virtue of which police will be responsible to the Council has not been made effective.</p>
<b>B.25.</b>	<p>The words "to render assistance" in the third line of Section 63 shall remain intact.</p>	<p><b>Implemented.</b> The Police Department has been providing assistance to the Chairmen and officials of the Councils in applying the authority as the law.</p>	<p><b>Unimplemented.</b> Though the provision has been made stating that responsibility of all police officials shall be, to inform the Chairman and officials of the Hill District Councils on criminal incidents of the hill district taken place and to provide assistance in applying lawful authority; it has not been made effective.</p>
<b>B.26.</b>	<p>Section 64 shall be amended and enacted as follows:</p> <p>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;</p> <p>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".</p>	<p><b>Implementation of the provision is undergoing.</b> The Hill District Council Acts were amended in 1998. With obtaining prior approval of the Council, settlements of lands, selling &amp; purchasing of lands and transfer of ownership of land are done. But with exception to some cases (such as, educational institution, religious institution, cremation site, graveyard, government office, scout building site, liberation fighters complex, local tourism centers under District Council management), settlement of lands, as per Ministry of CHT Affairs office order-PCBM(P-1)-Pzilla/Bibidha/85/2000 -280 dated 23/10/01, has remained stop.</p>	<p><b>Unimplemented.</b> Though the provision has been included in the Hill District Council Acts, but is not being implemented. The subject and functions have not been transferred to the Hill District Councils. The Deputy Commissioners have been practicing the process of mutation, acquisition, lease and settlement following the CHT Regulation 1900.</p> <p>The statement of the government of carrying out settlements of lands, selling &amp; purchasing of lands, transfer of ownership of land and land acquisition with prior approval of Hill District Councils as per this provision is not consonance with this procedure. As per provision of 34(a) of Part B of the Accord, the subject 'Land and Land Management' falls under jurisdiction of the Hill District Councils. However, the subject has not been transferred as of to-date. Hence, the Regulation for smooth functioning of this subject has not yet been formulated.</p> <p>On the other, the Deputy Commissioners have been continuing mutation, acquisition, leases and settlement of land following the CHT Regulation 1900.</p>



Section	Provision of Accord	Latest Statement of Government	Opinion of PCJSS
<b>(B) HILL DISTRICT LOCAL GOVERNMENT COUNCIL/HILL DISTRICT COUNCIL:</b>			
	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.	<b>Implementation of the provision is undergoing.</b> The Hill District Council Acts were amended in 1989. With obtaining prior approval, settlements of lands, selling & purchasing of lands and transfer of ownership of land are done.	<b>Unimplemented.</b> The Deputy Commissioners have been continuing acquisition following the CHT Regulation 1900, without consultation and consent of the Councils. Thousand acres of lands are being taken in acquisition in the name of forestation and expansion of cluster villages, establishment of tourism centres, establishment and expansion of army camp and training centres.
	c) The Council may supervise and control the works of the Headmen, Chainmen, Amins, Surveyors, Kanungos and Assistant Commissioner (land).	Implementation of the provision is undergoing.	<b>Unimplemented.</b> Functions of Headman, Chainman, Amin, Surveyor, Kanungo, and Assistant Commissioner (Land) have not been brought under supervision and control of the Hill District Councils. The Deputy Commissioners have been unlawfully controlling the functions by following the CHT Regulation 1900.
	d) The reclaimed fringe lands of Kaptai Lake shall be leased out on priority basis to the original owners.	Implementation of the provision is undergoing.	<b>Unimplemented.</b> As the subject Land and Land Management has not been transferred to the Hill District Councils, this provision has not been implemented. The fringelands, instead of giving settlements to the exact owners on priority basis, are being given settlements to the Bengali settlers.
<b>B.27.</b>	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."	<b>Partially implemented.</b> The Hill District Council Acts have been amended in 1998. But the Act has not been applied. In this regard, Regulations/Rules may be formulated.	<b>Unimplemented.</b> The provision has been included in three Hill District Council Acts 1998. But this provision is not being put into force properly. The Deputy Commissioners have been practicing the process of tax collection. As per the law, practices and procedures, the responsibility of collection of taxes (Khajana) falls under jurisdiction of the Headman concerned, but in these days, instead of deposition with the Headman office, the tax accrued against the lands is being deposited with the government authority through Treasury Challan, the procedure of which is fully illegal. This provision is not implemented. Hence, the government opinion stating "the provision has been partially implemented" is not correct.
<b>B.28.</b>	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".	<b>Implemented.</b> According to the given terms, the Hill District Council Acts have been amended in 1998. The provision has been implemented properly.	<b>Unimplemented.</b>

Section	Provision of Accord	Latest Statement of Government	Opinion of PCJSS
<b>(B) HILL DISTRICT LOCAL GOVERNMENT COUNCIL/HILL DISTRICT COUNCIL:</b>			
<b>B.29.</b>	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".	Implementation is undergoing. On sending the Regulation framed by the Hill District Councils to the Ministry of Finance, the said Ministry requested to send data as per the prescribed form through a letter dated 09/05/11 Memo No. 07.130.022.00.00.018.2010-30. In that perspective, a letter dated 26/05/2011 was sent to the Hill District Councils asking to send the data as sought in the form sent from the Ministry of Finance. To that context, opinion from Rangamati Hill District was received and it was sent to the Finance Department on 18/09/2012. The opinion received from Bandarban Hill District Council has been sent to the Finance Department under Ministry of Finance for the opinion thereof on 05/12/2012.	<b>Unimplemented.</b> As per this provision, the Hill District Councils can formulate Regulations on the subjects under its jurisdiction. But the government is raising objection in the name of Rules of Business 1996.
<b>B.30.</b>	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.	<b>Implemented.</b>	<b>Implemented.</b>

Section	Provision of Accord	Latest Statement of Government	Opinion of PCJSS
<b>(B) HILL DISTRICT LOCAL GOVERNMENT COUNCIL/HILL DISTRICT COUNCIL:</b>			
<b>B.31.</b>	Section 70 shall be deleted.	<b>Implemented.</b>	<b>Implemented.</b>
<b>B.32.</b>	<p>Section 79 shall be amended and formulated as follows:</p> <p>"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".</p>	<b>Implemented.</b>	<b>Unimplemented.</b> The government, in place of forming the full-placed Councils with the members directly elected by the people, is running the Interim Councils having its partisan members seated in the posts as Chairman and members. These councils do not apply their right to appeal or take remedial measure to review for amendment or relaxation in application when any provision of a formulated law appears to be painful or objectionable to the hill districts.
<b>B.33.</b>	<p>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".</p> <p>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".</p> <p>c) The words "reserved or" appearing in Clause 6(b) of the Council's activities shall be deleted.</p>	<b>Implemented.</b> The Hill District Council Acts have been amended. A letter dated 23/08/2016 was sent to all the Ministries/Departments of the subjects/departments devolved to the HDCs, to undertake necessary measures to let the Rangamati/Bandarban/Khagrachari Hill District Councils submit requisition on human resources, logistics, annual budget allocation (annual development and underdeveloped budget) on the subjects/departments already transferred.	<p><b>Partially implemented.</b></p> <p>a) has been replaced.</p> <p>b) has been added.</p> <p>c) has been deleted.</p> <p>But these provisions are not implemented properly.</p>
<b>B.34.</b>	<p>The following subjects shall be included in the functions and the responsibilities of the Hill District Council:</p> <p>a) Land and land management;</p> <p>b) Police (local);</p>	<b>Partially implemented.</b> <b>Police (Local):</b> On this subject, a meeting with the Chair of Honorable Advisor on External Affairs to Prime Minister was held at Prime Minister's office on 19/12/2012.	<b>Partially implemented.</b> The subjects have been included in the Act. But these subjects have not properly been transferred as of to-date. The government's claim that 30 subjects / departments have been transferred in Rangamati Hill District Council, 30 in Khagrachari Hill District Council and 28 subjects / departments in Bandarban Hill District Council is not correct.

Section	Provision of Accord	Latest Statement of Government	Opinion of PCJSS
<b>(B) HILL DISTRICT LOCAL GOVERNMENT COUNCIL/HILL DISTRICT COUNCIL:</b>			
<b>B.33.</b>	<ul style="list-style-type: none"> <li>c) Tribal law and social justice;</li> <li>d) Youth welfare;</li> <li>e) Environmental protection and development;</li> <li>f) Local tourism;</li> <li>g) Improvement Trust and other institutions concerning local administration, other than Municipality and Union Council;</li> <li>h) Issuing license for local commerce and industries;</li> <li>i) Proper utilization of rivers and streams, canals and Beels and irrigation system other than water resources of the Kaptai Lake;</li> <li>j) Maintaining of the statistics of birth and deaths;</li> <li>k) Money lending;</li> <li>l) Jum cultivation.</li> </ul>	<p>In the meeting the decisions taken were: the Ministry of Home Affairs will have to undertake initiative to set foot constables to ASI from among the CHT residents and in each police station, the ratio of Hillmen-Bengali will be 50:50. The Ministry of Home Affairs will appoint 500 tribal police personnel from each district altogether 1500 (one thousand five hundred) tribal police personnel from the three hill districts. Appointment of tribal police personnel has begun.</p> <p>Protection &amp; Development of Environment: An inter-ministrial meeting was held on 12/08/2014 as to determine the strategy in transferring subject of Preservation and Development of Environment to the three Hill District Councils as stated in the CHT Accord. The decisions taken in the meetings were:</p> <p>“(a) The Ministry of Environment &amp; Forest, after having consultation with all the concerned, will inform the Ministry of CHT Affairs on how to transfer subject of Preservation and Development of Environment; and</p> <p>(b) The three Hill District Councils, having consultation with the representatives of the district administrations and local Forest Departments through meeting as to demarcate boundary of the Unclassed State Forests and to inform the Ministry of CHT Affairs about it.”</p>	

Section	Provision of Accord	Latest Statement of Government	Opinion of PCJSS
<b>(B) HILL DISTRICT LOCAL GOVERNMENT COUNCIL/HILL DISTRICT COUNCIL:</b>			
		<p>Local Tourism: The subject local Tourism under Ministry of Civil Aviation and Tourism has been transferred to the Hill District Councils on 28/08/2014.</p> <p>In the mean while, four institutions/functions, have been transferred to the Hill District Councils, namely–(1) Improvement Trust and other institutions concerning local administration, other than Municipality and Union Council; (2) Issuing license for local commerce and industries; (3) Maintaining of the statistics of birth and deaths; and (4) Money lending. All these four subjects have been transferred to the three Hill District Councils through Executive Order. Along with the aforesaid subjects, up til now, 30 subjects to Rangamati Hill District Council, 30 subjects to Khagrachari Hill District Council and 28 subjects to Bandarban Hill District Council have been transferred. Transferring process of the remaining subjects/departments is undergoing.</p>	
<b>B.35.</b>	<p>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:</p> <p>a) Registration fees of non-mechanical transports;</p> <p>b) Tax on buying and selling of commodities;</p>	<b>Implementation undergoing.</b> The Hill District Council Acts have been amended in 1998.	<b>Partially implemented.</b>

Section	Provision of Accord	Latest Statement of Government	Opinion of PCJSS
<b>(B) HILL DISTRICT LOCAL GOVERNMENT COUNCIL/HILL DISTRICT COUNCIL:</b>			
	<ul style="list-style-type: none"> <li>c) Holding tax on lands and buildings;</li> <li>d) Tax on selling of domestic animals;</li> <li>e) Fees for community adjudication;</li> <li>f) Holding tax on Government and Non-government industries;</li> <li>g) A specified part of the royalty on forest resources;</li> <li>h) Supplementary Tax on Cinema, Jatra and Circus;</li> <li>i) Part of the royalty received by the Government against granting Licenses or Pattas for the exploitation of mineral resources;</li> <li>j) Tax on business;</li> <li>k) Tax on lottery;</li> <li>l) Tax on catching Fish.</li> </ul>		



Section	Provision of Accord	Latest Statement of Government	Opinion of PCJSS
<b>(C) CHIITAGONG HILL TRACTS REGIONAL COUNCIL:</b>			
<b>C.1.</b>	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.	<b>Implemented.</b> The Chittagong Hill Tracts Regional Council has been formed.	<b>Implemented.</b> As per the provision, the CHT Regional Council Act 1998 was formulated and the interim Council was formed in 1999. But the act could not be made effective properly. It is not true that this provision has been fully implemented. Though interim Regional Council has been formed, but the elected council is yet to be formed.
<b>C.2.</b>	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.	<b>Partially implemented.</b> The post of CHT Regional Council Chairman is equal in status of State Minister and he is a tribal. As no election has been held in the Hill District Councils, at present, the Interim Council is functional in the CHT Regional Council.	<b>Partially implemented.</b> Evenafter passing 24 years of signing the Accord, as no election has been held in the Hill District Councils and for not forming the elected Hill District Councils, the election in the CHT Regional Council also has not yet been held. The government, while ignoring the obligation of holding elections, has been carrying out with the interim Councils by nominating partisan Chairman and members undemocratically in all the three Hill District Councils. Besides, the Deputy Minister status of Chairman of three Hill District Councils has also been abrogated.
<b>C.3.</b>	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      1 person Member- 12 persons    12 persons Member (tribal female)- 2 persons 2 persons Member- 6 persons Member (non-tribal female)- 1 person 1 person Of the male tribal Members, 5 shall be elected from the Chakma tribe, 3 from	<b>Partially mplemented.</b> The CHT Regional Council Act has been formulated in 1998 but the election in the Council has not yet been held.	<b>Partially implemented.</b> Though the CHT Regional Council Act has been formulated and thereafter, the CHT Regional Council has been formed, election in the Council has not yet neen held. In the Interim Council, following the CHT Regional Council Act, the members on ethnic basis have been nominated.

Section	Provision of Accord	Latest Statement of Government	Opinion of PCJSS
<b>(C) CHIITAGONG HILL TRACTS REGIONAL COUNCIL:</b>			
	<p>the Marma tribe, 2 from Tripura tribe, 1 from the Murung and Tanchangya tribes and 1 person from amongst the Lusai, Bawm, Pangkho, Khumi, Chak and Khiang tribes.</p> <p>Of the male non-tribal Members, 2 persons shall be elected from each district.</p> <p>Of the female tribal Members, 1 person shall be elected from the Chakma tribe and another from the rest of the tribes.</p>	<b>Implemented.</b> The Chittagong Hill Tracts Regional Council has been formed.	<b>Implemented.</b> As per the provision, the CHT Regional Council Act 1998 was formulated and the interim Council was formed in 1999. But the act could not be made effective properly. It is not true that this provision has been fully implemented. Though interim Regional Council has been formed, but the elected council is yet to be formed.
<b>C.4.</b>	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.	<b>Partially implemented.</b> The CHT Regional Council Act has been framed in 1998 but election in the Council has not yet been held.	<b>Partially implemented.</b> Following the Act, female candidates have been nominated for the 3 seats reserved for the females but election has not yet been held.
<b>C.5.</b>	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.	<b>Partially implemented.</b> The CHT Regional Council Act has been framed in 1998 but election in the Council has not yet been held.	<b>Partially implemented.</b> For not the elections held in the Hill District Councils, electing the members of Regional Council by the elected members of the three Hill District Councils could not have been possible. But following the CHT Regional Council Act, the Chairmen of the 3 Interim Hill District Councils are performing their duty as CHT Regional Council members, as ex-officio members of the Council.
<b>C.6.</b>	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	<b>Partially implemented.</b> The CHT Regional Council Act has been framed in 1998. The CHT Regional Council is given aid grant (budget) from the Ministry of Finance.	<b>Partially implemented.</b> For not the elections held in the three Hill District Councils, election in the CHT Regional Council also could not be held. Consequently, the Interim Council in the CHT Regional Council has remained in place for the last 22 years.

Section	Provision of Accord	Latest Statement of Government	Opinion of PCJSS
<b>(C) CHIITAGONG HILL TRACTS REGIONAL COUNCIL:</b>			
	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.		
<b>C.7.</b>	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.	<b>Implemented.</b>	<b>Implemented.</b>
<b>C.8.</b>	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.	<b>Implemented.</b>	<b>Implemented.</b>
<b>C.9.</b>	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>Implemented.</b> The Regional Council, as an Apex Body, can supervise and coordinate as per the CHT Regional Council Act.	<b>Unimplemented.</b> Though the provision has been included in the act, the power for supervision and coordination on part of the CHT Regional Council is not being made effective. Till now, it is due to non-cooperation of three Hill District Councils and the Ministry of CHT Affairs, the supervision and coordination of all the subjects including the development programs of the three Hill District Councils could not be carried out by CHT Regional Council. Therefore, the government opinion stating “the provision to have been implemented” is not correct.  It is to be mentioned that an Office Order from the Cabinet Division was issued directing to follow the ‘CHT Regional Council Act, 1998 and supervision & Coordination of development programs of the Hill District Councils on 10 April 2001. But other concerned authorities including the three Hill District Councils maintained no effective role in compliance to the said

Section	Provision of Accord	Latest Statement of Government	Opinion of PCJSS
<b>(C) CHIITAGONG HILL TRACTS REGIONAL COUNCIL:</b>			
			Office Order. On the other hand, no program or process has yet been undertaken to implement the decision of establishing coordination among the three Hill District Councils, the CHT Regional Council and the Ministry of CHT Affairs, as it was decided in the 2nd meeting of CHT Accord Implementation Monitoring Committee held on 19 February 2019.
	b) This Council shall coordinate and supervise the Local Council, including the municipalities.		<p><b>Unimplemented.</b> Though the provision has been included in the act yet it is not being made properly effective. The proposal for inclusion in the act stating: "Subject to CHT Regional Council Act and three Hill District Council Act, the Local Government Acts, such as, Poursova, Union Parishad, Upazila Parishad shall be applicable to CHT" has not been made effective.</p> <p>The local councils including the municipalities are administered by the Ministry of Local Government and Rural Development. So, it is expedient that the concerned laws and regulations are brought in amendment in consistence with the CHT Regional Council Act, 1998 in order to get the local councils including the municipalities supervised and coordinated by the Regional Council.</p> <p>It is to be mentioned that two letters with specific recommendations were sent from Regional Council to the Ministry of CHT Affairs in order to bring amendment to the Upazila Parishad Act in 2000 and in 2009. But no measure has been taken to that regard as yet. It is further to be mentioned that in context of raising the issue by Regional Council, a letter directing to take necessary step to follow the Regional Council Act properly, was sent from the Ministry of Local Government to Deputy Commissioners of three hill district. Even after this, no progress was to be seen on the issue.</p>
	c) The Regional Council shall coordinate and supervise the three hill districts in matters of general administration, law and order and development.	<b>Partially implemented.</b> The CHT Regional Council Act has been framed in 1998. The CHT Regional Council is given aid grant (budget) from the Ministry of Finance.	<p><b>Unimplemented.</b> Though the provision has been included in the act yet it is not being put into affect. Hence, the police department and Deputy Commissioners at district and Upazilla Executive Officers at upazila (sub-district) levels are applying the power violating the act as before.</p> <p>The Deputy Commissioners in the three hill districts are exercising all powers relating to general administration of the districts as before in accordance with the CHT Regulation, 1900. On the other hand, due to having not mentioned about the Regional Council in the said regulation, the Deputy Commissioners kept abstaining from cooperation with the Regional Council all along. As a result, supervision and coordination of the general administration in the three hill districts cannot be carried out by the Regional Council.</p> <p>Question arose on CHT Regulation, 1900 when the Hill District Local Government Council Act was enacted in 1989. In this context, the notification promulgated in 1990 states that the CHT</p>

Section	Provision of Accord	Latest Statement of Government	Opinion of PCJSS
<b>(C) CHIITAGONG HILL TRACTS REGIONAL COUNCIL:</b>			
			<p>Regulation shall remain in force and effective. CHT Regional Council submitted a set of recommendations to the government urging to cancel the said notification and promulgate a fresh notification to the affect that the said regulation shall remain in force and effective subject to the CHT Regional Council Act and the Hill District Council Acts. In that regard, a directive relating to promulgation of laws was given to the Ministry of CHT Affairs from Cabinet Division in 2013. But this directive has not yet been issued.</p> <p>It is relevant to be mentioned that various provisions of CHT Regulation are conflicting to the Hill District Council Acts and CHT Regional Council Act. Hence, bringing amendment to CHT Regulation is indispensable. Above all, determination of 'Charter of Duties' of Deputy Commissioners in consistence with the Regional Council Act and three Hill District Council Acts is desirable.</p> <p>Law &amp; Order in the three Hill Districts has been being looked after by Deputy Commissioners and Superintendents of Police in accordance with the concerned laws in force before the Accord. Above all, as per the 'Operation Uttoran (Operation Upliftment),' an order of military 'modus operandi' imposed in 2001, the army are supposed to provide assistance in law and order affairs, but in practice, the army has been controlling the general administration, law and order and development of the region, as a whole.</p> <p>Apart from office order issued by Cabinet Division according to which the law and order of CHT is to be supervised and coordinated by CHT Regional Council, a "circular dated 17-01-2000 was issued from Ministry of CHT Affairs for cooperation, on part of concerned ministries including the Deputy Commissioners posted for duty in the three hill districts in discharging duties by the Ministry of CHT Affairs as per CHT Regional Council Act, 1998 (Act XII of 1998)." Despite being so, the Deputy Commissioners, Police Superintendents or army authority did not pace forward to cooperate the Regional Council and on the contrary, these authorities have been conducting the law &amp; order affairs by-passing the Regional Council absolutely. As a result, the law &amp; order affairs cannot be supervised and coordinated by the Regional Council. So, it is agreeable that the Bangladesh Police Act 1861 and Police Regulation are amended in consistent with Regional Council Act and the Hill District Council Acts.</p> <p>Despite circular dated 17-01-2000 was issued by Ministry of CHT Affairs for cooperation in discharging duties of supervision and coordination by Regional Council on development issues in the three hill districts, but the CHT Regional Council is seldom involved or informed by various ministries including the Ministry of CHT Affairs as per the CHT Regional Council Act in the affairs, such as, planning, formulation, adoption and implementation of development programs. As a result, supervision and coordination in development affairs could not be carried out on part of the Regional Council and that the waste of money and anti-public-interest development programs could not be stopped in the development sector.</p>

Section	Provision of Accord	Latest Statement of Government	Opinion of PCJSS
<b>(C) CHIITAGONG HILL TRACTS REGIONAL COUNCIL:</b>			
			<p>So, it is desirable that the Regional Council is informed of and gotten involved in overall development programs in CHT.</p> <p>As per the law, though responsibility of supervision and coordination of 'law &amp; order' in the three hill districts have been entrusted to the CHT Regional Council, the concerned authorities have not yet followed the legal obligation. Rather the army and police authorities, while following directives of the concerned ministries, have been exercising their powers and indeed, having concentrated all the 'law &amp; order' powers of CHT region, have strengthened their efforts in the name of suppressing corruption and terrorism so as to make the CHT Regional Council and Hill District Councils dysfunctional and to deter the Accord implementation process thereby.</p>
	d) The Council shall coordinate the activities of the NGOs in addition to disaster management and carrying out the relief programs.		<p><b>Unimplemented.</b> Though the provision has been included in the act yet it has not been made effective. With regards to coordination of relief program, the Ministry of Relief, three Hill District Councils and other concerned government authorities have been ignoring the CHT Regional Council. In practice, this responsibility has been left with the Deputy Commissioners as to this day.</p> <p>As per Section 46, the CHT Regional Council can carry out disaster management and relief program, having the regulation formulated thereof. To that end, it is indispensable to incorporate food grains and fund in the annual budget of the Regional Council. It is due to having undertaken no step on part of the government to that direction, no program as such has been carried out by the Regional Council to this day. So, it is desirable that necessary measure is undertaken by the Ministry of Disaster and Relief Management in this regard.</p> <p>The Regional Council has been persuading its effort as per the act to coordinate the NGO activities. On the other hand, a gazette notification titled "Code of Conducts to be followed by the foreign NGOs working in Bangladesh and Bangladeshi NGOs supported by the foreign fund" was issued from the Prime Minister's office in 2001. The Regional Council, following</p>



Section	Provision of Accord	Latest Statement of Government	Opinion of PCJSS
<b>(C) CHIITAGONG HILL TRACTS REGIONAL COUNCIL:</b>			
			Section 53 of its Act, submitted a set of recommendations stating several aspects of the gazette notification to be painful and objectionable to the tribal people of CHT. Accordingly, an amended office order was issued in 2012. In the office order, though several points of recommendations were accepted, but most of the recommendations were ignored. Besides, during the present government tenure, the process is on to entrust the Deputy Commissioners with responsibility of coordinating the NGO activities as it is currently being practiced in other districts of the country. Consequently, it has become difficult-some on part of the Regional Council to coordinate the NGO programs being implemented in CHT. In this context, it is desirable that the office order issued by the Prime Minister's office on NGO activities in 2012 is amended in accordance with the recommendations submitted by Regional Council.
	e) Tribal law and community adjudication shall be within the jurisdiction of the Regional Council.		<b>Unimplemented.</b> Though the provision has been included in the act yet has not been made effective. The judges serving in the three hill districts, during trial do not follow the laws, customs and practices traditionally existent in CHT and also do not accept the opinion of CHT Regional Council and the Circle Chiefs and Headmen.
	f) The Council shall be competent to grant License for heavy industries.		<b>Unimplemented.</b> With regards to running and administering the Rayon Mill and Paper Mills at Chandraghona, the CHT Regional Council is being ignored. Even in the case with pumping out natural gas at Simutang Gas Field in Manikchari, there has been held no consultation with CHT Regional Council.
<b>C.10.</b>	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.	<b>Implemented.</b> The CHT Regional Council can supervise the overall development programs of CHT Development Board. Naba Bikram Kishore Tripura has been appointed as Chairman of CHT Development Board on 19-03-2018 for 3 (three) years.	<b>Unimplemented.</b> Though the provision has been included in the act, the CHT Development Board authority continues to ignore the law. The CHT Development Board has been conducting the overall programs without keeping touched with the Regional Council. Therefore, the government opinion stating "the provision to have been implemented" is not correct.  It is to be mentioned that the CHT Development Board Act, 2014 has been formulated and enacted by replacing the CHT Development Board Ordinance, 1976. This act is incorporated of many provisions, which are not in consistence with the three Hill District Acts and CHT Regional Council Act and as of this day, the Development Board has been conducting its programs completely by-passing the Regional Council the matter of which has crippled the special administrative system of CHT with CHT Regional Council and three Hill District Councils and it has been creating complicity in administration and development.  Hence, while placing opinion on CHT Development Board Act, 2014, the CHT Regional Council submitted a set of recommendations for cancellation of CHT Development Board Act, 2014 and abolishment of the Board.

Section	Provision of Accord	Latest Statement of Government	Opinion of PCJSS
<b>(C) CHIITAGONG HILL TRACTS REGIONAL COUNCIL:</b>			
<b>C.11.</b>	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.	<b>Implementation is undergoing.</b> Two separate suits have been filed with the Honorable High Court against the CHT Accord in 2000 and 2007, which is lying with the Honorable Appellate Division. Under this circumstance, no measure relating to contravention of law can be undertaken. The issue is under review.	<b>Unimplemented.</b> The demand for cancellation of Memorandum dated 29/10/1990 on effectiveness of CHT Regulation 1900 and issuance of fresh Memorandum stating the Regulation to be effective subject to the CHT Accord, has not yet been served afresh.  It is to be mentioned that in 1990, a Memorandum from Special Affairs (Welfare) Division was issued stating that the CHT Regulation 1900 shall be in place and effective. The CHT Regional Council sent a letter to the Cabinet Division demanding to cancel the said order and in place, to issue a fresh Memorandum defining that the extent of only provisions of CHT Regulation 1900 that stand consonance with the provisions of three Hill District Council Act, CHT Regional Council Act and Allocation of Business of the Ministry of CHT Affairs, shall be effective. In that perspective, the Cabinet Division issued directives for necessary action following examination and review of the concerned laws in 2013 and 2015. In the meetings held in 2015 and 2016 with the CHT Regional Council representatives, the Chief Secretary of the Honorable Prime Minister expressed favorable opinion and directed the Ministry of CHT Affairs for effective action on the issue with immediate effect. The Ministry of CHT Affairs sent it to the Legislative and Parliamentary Department.  On 28/08/2019, a view exchange meeting was held in coordination with the CHT Regional Council representatives, Ministry of CHT Affairs and Legislative and Parliamentary Department with the Chair of the Senior Secretary of Legislative and Parliamentary Department. In the minutes of the meeting it was stated that the issue is impossible to be resolved without bringing a change into the concerned act. Whereas, the Memorandum of 1990 can be cancelled by issuing Order or Letter and a fresh Memorandum can be issued.
<b>C.12.</b>	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.	<b>Implemented.</b> The interim CHT Regional Council is functional for not having formed on the basis of direct and indirect election.	<b>Implemented.</b>
<b>C.13.</b>	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	<b>This process is undergoing.</b>	<b>Unimplemented.</b> The provision of the act is not being followed. The government is not accepting or ignoring the advice of CHT Regional Council in framing the laws relating to CHT. For instance, the opinion of CHT Regional Council was ignored during formulation of CHT Development Board Act 2014 and three Hill District Council (Amendment) Acts 2014.  It is to be mentioned that as per the provision under Section 53 of the CHT Regional Council Act, in some cases relating to formulation or amendment of laws, advice of CHT Regional

Section	Provision of Accord	Latest Statement of Government	Opinion of PCJSS
<b>(C) CHIITAGONG HILL TRACTS REGIONAL COUNCIL:</b>			
<b>C.13.</b>	bears an adverse effect on the development of the three hill districts and welfare of the tribal people or to enact new law, the Council shall be competent to apply or submit recommendations to the Government.	This process is undergoing.	<p>Council is accepted. The CHT Regional Council so far, has provided advices in alteration or bringing amendment to such provisions of laws that may make adverse effects to CHT Accord, laws of CHT region and development of hill district and to the path towards welfare of the tribal peoples. But in most cases, either advice from CHT Regional Council was not sought or advice of CHT Regional Council was not accepted.</p> <p>It is further to be mentioned that during the post-Accord period, various laws have been enacted and amended. But no provision has been kept in those laws specifying their applicability in CHT or no provision as such has been added in the sections/sub-sections of the said laws.</p>
<b>C.14.</b>	<p>The sources of the Council Fund shall be as follows:</p> <ul style="list-style-type: none"> <li>a) Money received from the District Council Fund;</li> <li>b) Money or profits received from all the properties vested in or managed by the Council;</li> <li>c) Loans and grants from the Government and other authorities;</li> <li>d) Grants given by any institution or person;</li> <li>e) Profits earned from the investments of the Council Fund;</li> <li>f) Any money received by the Council;</li> <li>g) Money received from other sources provided to the Council as per direction of the Government.</li> </ul>	At present, the CHT Regional Council Fund is formed with lump-sum grant and money of the government. An amount of 10% from the Hill District Councils is being deposited with the CHT Regional Council Fund. Besides, food grains/money is granted to CHT Regional Council from the TR/GR Heads by the Ministry of CHT Affairs regularly.	<b>Partially implemented.</b> It is only 10% money from the Hill District Council fund is being irregularly deposited with the CHT Regional Council fund.

Section	Provision of Accord	Latest Statement of Government	Opinion of PCJSS
<b>(D) REHABILITATION, GENERAL AMNESTY AND OTHER MATTERS:</b>			
<b>D.1.</b>	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.	<b>Implemented.</b> Present Chairman is Kujendra Lal Tripura, MP from 298 Khagrachari, was appointed as Chairman of the Task Force on 10/12/2017. The 9th and the last meeting of the Task Force was held on 05/10/2018.	<p><b>Partially implemented.</b> Most of the economic facilities as per the 20-point Package Facility Agreement signed between the government and the refugee leaders were provided to most of the refugees numbering 64,609 of 12,222 families through the Task Force. But 9,780 Jumma families are yet to get back their lands; 890 families are yet to get cash against pairs of bullocks; and bank loan in total BDT 2,707,252 of 366 refugees has not been exempted. From among the 262 Refugees reinstated to their earlier jobs, 14 employees have not yet been provided seniority and other facilities. 6 primary schools, 5 bazaars (markets) and 7 temples shifted or illegally occupied from villages of India-returnee refugees have not been restored. 40 villages of India-returnee refugees located at Matiranga of Feni valley, Manikchari and Ramgarh Upazila, Dighinala in Maini valley, Mahalchari Upazila under Khagrachari hill district and in Maini and Longadu of Kachalong valley are yet under complete occupation of the Bengali settlers. That the government opinion stating 'the provision to have been implemented' is not correct.</p> <p>In addition, about 54,000 refugees returning from refugee camps in the state of Tripura on their own initiative and under the 16-point package agreement are deprived of rations. Though discussions were held at the meeting of the Task Force on Rehabilitation of India-Returnee Refugees and Internally Displaced Persons to provide rations to these refugees, no effective steps were taken in this regard.</p>
<b>D.2.</b>	After the signing the Agreement between the Government and the Jana Samhati Samiti and implementation thereof and rehabilitation of the tribal refugees and internally displaced tribals, the Government shall, as soon as possible, commence, in consultation with the Regional Council to the constituted under this Agreement, the Land Survey in Chittagong Hill Tracts and finally determine the land-ownership of the tribal people through settling the land-disputes on proper verification and shall record theirs land and ensure their rights thereto.	<b>The implementation process is going on.</b> Land survey has not yet begun. The Land Commission will resolve the land disputes first and then will work on survey. The CHT Land Dispute Resolution Commission (Amendment) Act 2016 has been approved in great Jatiya Sangsad (National Parliament) and proclaimed through the Bangladesh Gazette on 13 October 2016. In order to frame up Rules within the ambit of the act, the Draft Rules 2016 has also been sent to the Ministry of Lands. At present, the framing work of Rules 2016 of CHT Land Dispute Resolution Commission is lying at the final stage with the Ministry of Lands.	<p><b>Unimplemented.</b> The definition that was determined referring to the 'internally displaced refugees' in the Task Force meeting held at the Khagrachari Circuit House on 27 June 1998, is as follows:</p> <p><b>"In the time from 15 August 1975 to 10 August 1992 (from the day of the Ceasefire) due to the prolonged unstable and commotion situation of the Chittagong Hill Tracts (Rangamati, Khagrachari and Bandarban), the tribal people who has compelled to abandon their own village, mouza, area and has gone or compelled to go other places within the country will be considered as Internally Displaced Persons."</b></p> <p>A decision was resolved in the Task Force meeting held on 13-09-2014 to provide the ration and other financial facilities to the internally displaced tribal families and minutes of the meeting including the decision were approved in the Task Force meeting held on 28-02-2015. But the decision has not yet been implemented.</p>

Section	Provision of Accord	Latest Statement of Government	Opinion of PCJSS
<b>(D) REHABILITATION, GENERAL AMNESTY AND OTHER MATTERS:</b>			
<b>D.3.</b>	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.	<b>The implementation process is on-going.</b> Due to the prevalent situation in the three hill districts, the land settlement program has remained postponed since 23/10/2001, with exception to special cases, as per the office order– pcbm(p-1)-pazilla/bibidha/85/2000-280, dated 23/10/2001 in the three hill districts. In this regard, the land settlement will be possible when the work of the Land Commission begins.	<b>Unimplemented.</b>
<b>D.4.</b>	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.	<b>Partially mplemented.</b> Recently, as the tenure of the 5th Land Commission Chairman, Justice Anower Ul Haque, retired Justice of Appellate Division of Supreme Court expires, he was again appointed as the 6th Land Commission Chairman for 3 years on 11/12/2017. Aiming at resolution of the land disputes, altogether 3 meetings were held under the 5th Land Commission. The 5th Meeting of the 6th Land Commission was held in Rangamati Hill district on 22/09/2019.	<b>Unimplemented.</b> The Land Commission has been being constituted since 1999 as per Section 5 of the Accord. The CHT Land Dispute Resolution Commission Act, 2001 was enacted in 2001. In the Act, several sections contravening to the Accord have been incorporated.  The contradictory sections of the CHT Land Dispute Resolution Commission Act 2001 had been amended through passing the CHT Land Dispute Resolution Commission (Amendment) Act 2016 in the parliament of 6 October 2016. After amendment of the law, having the draft Rules of the Land Commission formulated, the CHT Regional Council submitted the draft to the Ministry of Lands on 1 January 2017 for approval. But the government has not yet finalized the Rules. As a result, the work for resolution of land dispute has not yet been started to this day.



Section	Provision of Accord	Latest Statement of Government	Opinion of PCJSS
<b>(D) REHABILITATION, GENERAL AMNESTY AND OTHER MATTERS:</b>			
<b>D.5.</b>	<p>This Commission shall be constituted with the following Members:</p> <ul style="list-style-type: none"> <li>a) Retired Justice;</li> <li>b) Circle Chief (concerned)</li> <li>c) Chairman/Representative of the Regional Council;</li> <li>d) Divisional Commissioner/Additional Commissioner;</li> <li>e) Chairman of the District Council (concerned).</li> </ul>	<b>Implemented.</b> The Land Commission has been reconstituted.	<b>Implemented.</b> The Land Commission does not have adequate man powers, funds and logistics to work. Though the head office of the Commission in Khagrachari district and branch offices of Rangamati and Bandarban districts at the offices of Rangamati and Bandarban Hill District Councils respectively were established, these offices lack manpower, funds and logistics to work.
<b>D.6.</b>	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>Implemented.</b> It is followed.	<b>Implemented.</b>
	b) The Commission shall resolve the disputes in consonance with the law, custom and practice in force in the Chittagong Hill Tracts.	<p>The process is on. The issue of resolution of disputes falls under jurisdiction of the Land Commission. The CHT Land Dispute Resolution Commission (Amendment) Act 2016 has been approved in the great Jaty Sangsad (National Parliament) and it has been published in the Gazette on 13 October 2016. Accordingly, the program is on. In order to frame up Rules under jurisdiction of the Act, the draft Rules 2016 has been sent to the Ministry of Lands. At present the work of framing Rules 2016 of the CHT Land Dispute Resolution Commission is lying at the final stage with the Ministry of Lands.</p>	<b>Unimplemented.</b> Only the law and custom have been inserted in the CHT Land Dispute Resolution Commission Act 2001. Later, the law, custom and practice had been inserted through passing the CHT Land Dispute Resolution Commission (Amendment) Act 2016 in the parliament. After amendment of the law, having the draft Rules of the Land Commission formulated, the CHT Regional Council submitted the draft to the Ministry of Lands on 1 January 2017 for approval. But the government has not yet finalized the Rules. As a result, the judicial work for resolution of land dispute has not yet been started to this day.



Section	Provision of Accord	Latest Statement of Government	Opinion of PCJSS
<b>(D) REHABILITATION, GENERAL AMNESTY AND OTHER MATTERS:</b>			
<b>D.7.</b>	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.	<b>The implementation process is undergoing.</b> With regards to the work with loan defaulters among the India-returnees, coordination of 642 persons with exemption has been done at the first phase. At the 2nd phase, of the 719 persons, 33 loan cases have been coordinated at the individual level in the mean while. On 22/09/2015, from the district administration office, list of 686 persons, list of 33 persons and new list of 160 persons have been received in the Ministry. All those lists have been sent to the Ministry of Finance.	<b>Unimplemented.</b> The loans of 879 returnee Jumma refugees has not yet been exempted.
<b>D.7.</b>	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.	<b>Implemented.</b> During tenure of the last parliament, according to the decision taken in the 4th meeting of the Parliamentary Standing Committee on CHT Affairs Ministry, the individuals who took lands in leases for rubber plantations in CHT under the given conditions, breached the conditions of the leases. Their leases have been cancelled under jurisdiction of the law existent.	<b>Unimplemented.</b> This provision of the Accord has not yet been implemented properly. During 1980s and 1990s, some 46,750 acres of lands against total 1,877 plots located in Bandarban Sadar, Lama, Alikadam and Naikhyongchari upazilas were given in lease to individuals from plain districts.  In the meetings of Parliamentary Standing Committee on CHT Affairs Ministry held on 20 July and 18 July 2009 respectively at Khagrachari and Rangamati, it was resolved from among the leases given to the non-residents in Bandarban district, to cancel the leases of the lands in which no rubber plantation or grove plantation have yet been done as per the agreement. In light of the decision, leases on some 15,000 acres of lands given against 593 plots were cancelled by Deputy Commissioner of Bandarban district and leases on some 350 acres of lands were cancelled by Deputy Commissioner of Rangamati district.  However, at two-month end of cancellation of leases, violating the decision, most of the cancelled leases were restored by Deputy Commissioner of Bandarban district by notification of Memo No.JPRABAN/Lease/Mo No.1060(d)/80-81/2009 dated 19-11-2009. On the other hand, the rest of the leases have though been cancelled in papers, the leasees concerned have kept the lands under their occupation.

Section	Provision of Accord	Latest Statement of Government	Opinion of PCJSS
<b>(D) REHABILITATION, GENERAL AMNESTY AND OTHER MATTERS:</b>			
<b>D.9.</b>	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.	<b>The implementation process is undergoing.</b> In the development for all people of CHT, as to implement more projects, program is in continuation aiming at receiving additional grant of money on priority basis. The local tourism has been devolved to the Hill District Councils. Programs are ahead to achieve socio-economic development while keeping unhurt the environment and lifestyles & culture of the tribal communities of this region.	<b>Unimplemented.</b> CHT Regional Council is not involved to deal activities of Tourism including development program. The local Tourism, i.e. tourism of hill district has though been transferred to Hill District Councils in 2014, but it is not devaluated properly. The office and tourism centers run by Bangladesh Tourism Corporation or some other organizations have not been transferred to the Hill District Councils. In place of devolvment of the subject 'Tourism', the Hill District Councils has been left with only the provision by which the Hill District Councils can develop tourism at its own fund the provision of which is absolutely contradictory to the spirit of the Accord. On the contrary, various government agencies and authorities, army and various business institutions have established tourism centers and running them violating the Hill District Council Acts and CHT Regional Council Act.  The Regional Council had several meetings with the concerned ministry in 2015 to transfer the concerned offices and institutions of Tourism to the Hill District Councils through issuance of an Executive Order cancelling the devaluation of function of the Subject Tourism through the Agreement with the Hill District Councils in 2014 and it was decided that the concerned offices and institutions would be transferred. But this has not yet been implemented.
<b>D.10.</b>	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.	<b>Implemented.</b> From the Ministry of Education, seats have been kept reserved in the higher educational institutions for the tribal students. Students go to Australia with scholarship every year.	<b>Partially implemented.</b> The government scrapped the quota system for class-I and II jobs (from 9th to 13th grade) in the civil service on 4 October 2018 following the quota reform movement of the students across the country. However, the quota system will remain in force for class-III and class-IV jobs and for admission in the higher educational institutions. The number of seats in the earlier quotas has been reduced in different educational institutions. The government opinion stating 'the provision to have been fully implemented' is not correct.
<b>D.11.</b>	The Government and the Elected Representatives shall strive to uphold the characteristics of tribal creed and culture. The Government shall	<b>Implemented.</b> The government, in order to develop the tribal cultural activities to national level, has established Small Ethnic Group Cultural Institutes in the three hill	<b>Unimplemented.</b> The distinctness of tribal customs and culture has not made ascertained as yet. There is lacking of proper patronization and assistance to develop the tribal customs and culture to national level.  The hill (Jumma) peoples are termed as Bengalis in the Constitution. The demand for

Section	Provision of Accord	Latest Statement of Government	Opinion of PCJSS
<b>(D) REHABILITATION, GENERAL AMNESTY AND OTHER MATTERS:</b>			
	patronize and help the cultural activities of the tribes towards their efflorescence at national level.	districts. Grants from the Ministry of Cultural Affairs are made available to the cultural insitutes. The issue of preservation and development of languages and culture of tribes, small ethnic groups has been ensured through inclusion under Sub-Article 23(a) in the 15th amendment to the constitution.	constitutional recognition of the various multi-lingual ethnic nationalities of CHT region has not been fulfilled through the provision as mentioned under Article 23(a) of the constitution.  The Small Ethnic Group Cultural Institute Act 2010 has been framed without consultation with the CHT Regional Council. The government has stepped up no effective measures aimed at preservation and development of unique heritage and culture of the tribal people.
<b>D.12.</b>	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.	<b>Implemented.</b>	<b>Implemented.</b>
<b>D.13.</b>	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.	<b>Implemented.</b>	<b>Implemented.</b>

Section	Provision of Accord	Latest Statement of Government	Opinion of PCJSS
<b>(D) REHABILITATION, GENERAL AMNESTY AND OTHER MATTERS:</b>			
<b>D.14.</b>	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.	<b>Implemented.</b> As per the information received from the CHT Regional Council, a list of 999 cases filed against 2524 persons has been deposited with the Ministry of Home Affairs. Of them, 844 cases have been sorted. Of them, 720 cases have been sent to the Ministry of Home Affairs for withdrawal.	This provision of the Accord has been <b>partially implemented</b> . A list of 839 cases against 2524 persons was submitted to the government. The three district committees for Withdrawal of Cases headed by Deputy Commissioner, after vetting, sent 720 cases attached with recommendations for withdrawal to the Ministry of Home. But no gazette notification relating to withdrawal of the cases has been made public. Besides, no decision has been taken on withdrawal of 119 cases. It is to be mentioned that the persons awarded punishment in abscondia for being involved in 43 cases made mercy petition to the Honorable President. Those appeals have not yet been sent to the Honorable President from the Ministry of Home Affairs. Furthermore, the three District Committees for withdrawal of cases could not yet find out the cases lodged with the martial court.
<b>D.15.</b>	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.	<b>Implemented.</b>	<b>Implemented.</b>
<b>D.16.</b>	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.	<b>Implemented.</b> The circular of General Amnesty has been issued from the Ministry of Home Affairs.	<b>Implemented.</b>
	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>Implemented.</b>	<b>Implemented.</b>
	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	<b>Implemented.</b> After the Accord, 999 cases filed against 2524 persons has been deposited. Of them, 844 cases have been sorted. Of them, 720 cases have been sent to the Ministry of Home Affairs for withdrawal.	<b>Partially implemented.</b> As per this provision, 19 members of PCJSS have been released from jail. 720 cases have been sent to the Ministry of Home with recommendations for withdrawal. But no gazette notification relating to withdrawal of the cases has been made public.

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<b>(D) REHABILITATION, GENERAL AMNESTY AND OTHER MATTERS:</b>			
	<p>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.</p>		
	<p>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.</p>	<b>Implemented.</b>	<b>Implemented.</b>
	<p>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.</p>	<p><b>Partially implemented.</b> Relating to loan defaulters, at the first phase, 642 persons were exempted and coordinated. At the 2nd phase, in the mean while, from among the 719 persons, cases of 33 persons have been coordinated at individual initiative. For the remaining 686 persons, the opinion and list have been sought from the district administration as to exempt the loan as unrefunded loan default cases. To that end, on 22/09/2016, a list of 686 persons, another list of 33 persons and new list of 160 persons have been received in the Ministry – all of which have been sent to the Ministry of Finance.</p>	<p><b>Unimplemented.</b> A list of loan amounting to Taka 22,783 received by 4 members of Jana Samhati Samiti was submitted for exemption. The loan has not yet been exempted.</p>

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<b>(D) REHABILITATION, GENERAL AMNESTY AND OTHER MATTERS:</b>			
	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.	<b>Implementation is under process.</b> After threadbare sorting of the information/data received from the CHT Regional Council, a list of 262 persons has been published in the gazette and Regulation of facilities for the said 262 persons, in order to pay due salary/allowances/increments, statement with financial break-ups has been sent to the concerned ministry. The task is lying under process with the concerned ministries in light of that.	<b>Partially implemented.</b> A list of 78 members of PCJSS who had been in government services was submitted to the government. From among them, 64 persons were reinstated to their previous services. To award them with seniority status and other facilities, "Reinstated Tribal Employees (Exceptional Facilities) Rules 2015" has been formulated by the CHT Affairs Ministry.  As per the provision, many employees are enjoying the facilities but many others among the enlisted have remained excluded from the due facilities. It is noteworthy that some concerned employees had been left out from the list of the employees. This was brought to the notice of the concerned authority long before. Their issue deserves to be considered by the government.  The returnee members of PCJSS and their family members are not being appointed in jobs as per their qualification and no relaxation is being applied in their age-limit.
	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.	<b>Implemented.</b>	<b>Unimplemented.</b> This provision of the Accord has not been implemented. The government keeps pending approval of fund for 1429 self-reliance projects submitted by the PCJSS members in June-July 1998.
	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.	<b>Implemented.</b> The certificates received from foreign country have been reckoned to be legal. The issue of facilities for education of the children of PCJSS members is on-going.	<b>Partially implemented.</b> Certificates obtained from foreign board and educational institutions by the children of returnee members of PCJSS have been made legal. But no education facilities have been given to the children of returnee members of PCJSS as of this day.
<b>D.17.</b>	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	<b>Implementation process is undergoing.</b>	<b>Unimplemented.</b> After signing the Accord, it has been learnt that from among more than 500 camps, it was only 70 temporary camps were withdrawn in 1997-1999 and 35 temporary camps in 2009-2013 were withdrawn. But many of the withdrawn camps have been re-established back. At least 20 camps have been re-established during the Covid-19 pandemic.  As per this provision of the Accord, no time-line for withdrawal of the temporary camps back to their respective permanent stations has been fixed. With exception to border forces (BDR



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<b>(D) REHABILITATION, GENERAL AMNESTY AND OTHER MATTERS:</b>			
	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.		<p>at present BGB) and 6 permanent cantonments (3 in 3 hill district headquarters and Alikadam, Ruma and Dighinala), the other temporary camps of Army, Ansar and Village Defence forces numbering more than 400 have not been withdrawn from CHT in gradual manner as envisaged.</p> <p>It is to be mentioned that in place of 'Operation Dabanol' (Operation Wildfire), 'Operation Uttoran' (Operation Upliftment) was unilaterally promulgated and imposed by the government in CHT. By merit of the 'Operation Uttoran', the army has been playing the decision-making role in all the affairs including the general administration, law &amp; order and development sectors and has been doing its best to hinder the implementation process of the CHT Accord by various means and ways.</p> <p>As per this provision of the Accord, it is agreeable that fixation of the time-line for withdrawal of the temporary camps to their respective permanent stations, gradual withdrawal of all the temporary camps and withdrawal of Operation Uttoran are made.</p>
	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.	<b>Implemented.</b>	<b>Partially implemented.</b> The lands of few camps among the withdrawn one have been returned to actual owners. But some cases, though the authorities of the withdrawn camps abandoned the lands, transferring the lands to the actual owners has not been done. In these abandoned sites, the army has taken initiative to establish camps afresh. As most of the temporary camps have not been withdrawn, lands of many Jumma people are still under occupation of the army.
<b>D.18.</b>	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	<b>Partially implemented.</b>	<p><b>Partially implemented.</b> This provision is not being implemented properly. To make this provision of the Accord effective, CHT Regional Council submitted recommendations to the Ministry of CHT Affairs and Ministry of Establishment (at present Ministry of Public Administration).</p> <p>In this regard, on 22 October 2000 the Ministry of Establishment provided favorable advice to make the issue effective. According to the said advice, the Ministry of CHT Affairs, in order to include this provision of the Accord in the concerned appointment regulations, sent to various ministries or departments or institutions on 25-08-2002. However, no progress has been</p>

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<b>(D) REHABILITATION, GENERAL AMNESTY AND OTHER MATTERS:</b>			
	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.		made in this regard.  CHT Regional Council re-submitted recommendations on this issue. In context to the approach, the Public Administration Ministry issued gazette notification on 27 June 2014 to make the provision effective. The said notification has not yet been sent to the concerned departments, institutions and authorities in CHT.
<b>D.19.</b>	<p>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:</p> <ol style="list-style-type: none"> <li>The Minister on Chittagong Hill Tracts;</li> <li>The Chairman/ Representative, Regional Council;</li> <li>The Chairman/ Representative, Rangamati Hill District Council;</li> <li>The Chairman/ Representative, Khagrachari Hill District Council;</li> <li>The Chairman/ Representative, Bandarban Hill District Council;</li> <li>The Member of the Parliament, Rangamati;</li> <li>The Member of the Parliament, Khagrachari;</li> <li>The Member of the Parliament, Bandarban;</li> <li>The Chakma Raja</li> <li>The Bohmang Raja</li> <li>The Mong Raja</li> <li>Three non-tribal Members nominated by the Government from amongst the permanent residents of the three hill districts.</li> </ol>	<p><b>Implemented.</b> As per the Accord, a tribal person has been appointed as State Minister in the Ministry of CHT Affairs. He applies full power of a full fledged Minister as Minister-In-Charge. There is an Advisory Committee of 12 members to assist the Ministry.</p>	<p><b>Implemented.</b> It is due to not having been amended the 'Allocation of Business' of various concerned ministries, the said ministries are dealing with the CHT related affairs as before. Consequently, the Ministry of CHT Affairs could not become properly effective. Therefore, it is desirable that the existing Allocation of Business of the various concerned ministries are amended in line with the Accord.</p> <p>Most of the officials and staff of the CHT Affairs Ministry are not residents of CHT. They are not sensitive in most cases on overall issues of CHT. Hence, the Accord implementation process including the making effective of CHT Regional Council Act and three Hill District Council Acts is being deterred in various ways. Besides, at present, meeting of the Advisory Committee is not convened. Indeed, the Advisory Committee may be ascribed to be a nomenclature only.</p>





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