

Simple English Version of **Chittagong Hill Tracts Land Dispute Settlement Commission Act 2001**
(Act 53 of 2001) published in Bengali

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Bangladesh Jatiya Sangsad
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The following Act passed by the Jatiya Sangsad received the assent of the President on July 17, 2001 (2nd Shraban, 1408) and is hereby published for the information of the general public.

Act 53 of 2001

Enacted for the establishment of a Commission for speedy settlement of land related disputes in the Chittagong Hill Tracts region and for formulation of rules related to it.

Whereas Chittagong Hill Tracts is a region inhabited by backward tribal people and it is necessary to adopt special measures for development of underdeveloped areas; and

Whereas it is necessary to improve more of the political, social, cultural, educational and economic rights of all people of Chittagong Hill Tracts including the tribal people of the region, and expedite the process of socio-economic development; and

Whereas keeping in view of the above aims for the purpose of overall development of all people of Bangladesh including the above mentioned objectives under the framework of the constitution of the People's Republic of Bangladesh the National Committee on Chittagong Hill Tracts and Chittagong Hill Tracts Jana Sanghati Samity expressing full and total allegiance to sovereignty and territorial integrity of Bangladesh, signed an agreement on December 2, 1997/18th Agrahayan, 1404; and

Whereas it is expedient and necessary to establish a Commission for speedy settlement of land related disputes in the Chittagong Hill Tracts region and to formulate rules related to it as part of implementation of that agreement;

It is, therefore, enacted as follows:-

1. Short Title: This act shall be called Chittagong Hill Tracts Land Dispute Settlement Commission Act, 2001.

2. Definition: In this Act, unless there is anything repugnant in the subject or context,

- (a) Regional council means the Regional Council established under section 3 of the Chittagong Hill Tracts Regional Council Act, 1998;
- (b) "Commission" means the Chittagong Hill Tracts Land Dispute Settlement Commission established under section 3 of this Act.
- (c) "Chairman" means the Chairman of the commission;
- (d) "Chittagong Hill Tracts" means Khagrachari, Rangamati and Bandarban Hill districts;
- (e) Hill districts names Rangamati, Khagrachari and Bandarban districts;
- (f) "Rehabilitated Refugee" means the refugees enlisted under the agreement signed between the Government and the tribal refugees' leaders on March 9, 1997 at Agartala of India;
- (g) "Existing Law" means any law, custom, rule, gazette in force in the Chittagong Hill Tracts immediately before the commencement of this Act;
- (h) "Rule" means any rule made under this Act;

- (i) “Land” means the lands including hills and fringe lands under hill districts;
- (j) “Member” means the member of the commission;
- (k) “Circle chief” means the Chakma Chief or Bohmang Chief or Mong Chief.

3. Formation of the commission: (1) A Commission called Chittagong Hill Tracts Land Dispute Settlement Commission shall be formed to fulfill the objectives of this Act.

(2) The commission shall be set up comprising the following members, for example:-

- (a) A retired justice of the Supreme Court of the Bangladesh who shall also be the Chairman of the commission;
- (b) The Chairman of the Regional Council or a representative nominated by him from any member of the council;
- (c) Chairmen of the concerned Hill District Councils, ex-officio;
- (d) Circle Chief of the concerned circle, ex-officio;
- (e) Divisional Commissioner of the Chittagong Division or an Additional Divisional Commission nominated by him.

Explanation- the intention of section (c) and (d) “concerned” will mean disputed land successively in the hill district and under the circle of the said hill district and circle.

3) The Chairman of the commission shall be appointed by the Government and the Government shall determine the terms and conditions of this services.

4) The Chairman may resign through a letter with signed to the Government.

5) If the government is satisfied that the due to serious misconduct by the chairman or due to physical or mental incompetence the chairman has become incapable of continuing in his/her position, in that case the government can at any time remove the chairman from his/her position.

Provided that without having given the opportunity to a reasonable hearing the chairman cannot be removed from his/her position under the jurisdiction of this sub-clause.

4. The office of the commission: (1) The head office of the commission shall be located in the Khagrachari district headquarter.

(2) The Government can set up branch office in any hill districts as necessary.

5. Tenure of the commission: The commission shall have a tenure of the 3 (Three) years for the date of appointment of the chairman.

Provided that the Government may extent its tenure in consultation with the Regional Council.

6. The Functions and Powers of the commission: (1) The functions of the commission shall be as follows; for example:-

- (a) To settle the land related dispute of the rehabilitated refugees in accordance with the existing laws and customs in the Chittagong Hill Tracts;
- (b) The referenced land in the petition the claim and rights of the petitioner or the opposite party be settled under the existing laws and regulations of the Chittagongs Hill Tracts and restored , if necessary;
- (c) If any land settlement is made against the existing laws of Chittagong Hill Tracts it shall stand rejected and on account of this settlement if any lawful owner is evicted from land, his possession shall be restored:

Provided that, this sub-section shall not be applicable in case of Reserved Forests, Kaptai Hydroelectricity Project area, Betbunia Earth Satellite Station, state-owned industries and land recorded with the Government or local authorities.

(2) All activities referred to in the sub-section (1) shall be limited to Chittagong Hill Tracts.

(3) In order to implement the said functions the commission can ask any Government or constitutional bodies to provide information, data or documents and in case of need the commission can instruct any officer of the said authority to submit report by undertaking local investigation, visit or survey and the said authority or the officer shall be bound to discharge it.

7. Meeting, Quorum and procedures of the Commission: (1) The commission shall determine its procedures in accordance with this Act and regulation.

(2) At the instance of the Chairman, Secretary shall notify the members in writing the venue, date and time of meeting of the commission.

(3) Attendance of the Chairman and another two members on the meeting shall be necessary for maintaining quorum and the Chairman of the commission shall preside over all meetings.

(4) If any agenda remains unresolved in any meeting that can be presented for consideration and resolution in any of the subsequent meeting and this shall not be held up on the ground that the members who were present in the earlier meeting have remained absent and the resolution on this issue shall not be illegal.

(5) Chairman shall take decision on the basis of discussion with other members present on the areas of activities stated in section 6(1) and under related areas unanimously but if the decision is not unanimous in that case his decision shall be treated as the decision of the Commission.

(6) Commission shall give in writing all decision while implementing activities under section 6(1).

8. Honorarium of members for attending of the commission: Government is authorized to grant honorarium to certain categories of members for attending meeting of the commission and the members is entitled to draw honorarium accordingly.

9. Submission of petition of the commission: Under this Act the concerned petition submit his petition in plain paper in Bengali with his/her signature or thumb impression to the commission for settlement of land dispute.

10. Opposite party to the petition: (1) Under section 9, in each of the petition the names and addresses of the concerned Deputy Commission, illegal settler, present alleged land possession in eyes of the petitioner be settled;

(2) On the basis of the petition commission shall summon all stated individuals as opposite party enclosing a copy of the petition;

(3) Under sub-section (1) any individual who has not been featured as opposite party can apply stating the concerned reasons and considering the application commission may treat him as opposite party.

11. Hearing of evidence by the commission: (1) In order to implement activities stated under section 6(1) commission shall not be bound to record evidence under Evidence Act, 1871(Act 1 of 1872), rather considering the preventing situation commission may take any appropriate action with regard to recording evidence.

(2) If any body puts evidence other than Bengali language Commission shall take assistance of a translator and record evidence in Bengali as per his translation.

(3) Commission shall serve written notice to any individual to give evidence in person before the Commission and submit all type of information, deeds and documents.

(4) It is not obligatory on the part of Commission to record all verbal evidences of the witness in rather the recorded summary shall suffice the purpose.

(5) In case of putting evidence before Commission, Oaths Acts 1883 (Act X – of 1883) shall be applicable.

12. Delegation of powers by the commission: Commission, if required according to its dictated terms and conditions, may by a written order delegate any power to its chairman or any member or any officer besides implementation of activities under this section or section 6(1).

13. Appointment of Secretary and other officers of the Commission: (1) There shall be a secretary of the Commission and he/she shall be appointed by the Government from the status of a Deputy Secretary of the Government having experience in law and Chittagong Hill Tracts affairs.

(2) Government shall arrange to appoint required number of other officers and staff to smoothly run the business of the Commission.

14. Financial management: (1) Government shall allocate necessary fund in lump sum to meet expenditure of the Commission and for that purpose the Commission shall send financial statement of the concerned year to Government.

(2) Secretary shall take the responsibilities of expenditure control of the Commission under the supervision of the chairman.

(3) The chairman and Secretary shall follow the relevant rules and regulations and instructions of Government in making expenditure of the Commission.

15. Account and audit: (1) The accountant and comptroller General and there after known as accountant-general of Bangladesh shall audit the accounts of the commission each year and submit a copy of the audit report of the Government and Commission.

(2) Under sub section (1) the accountant-general or his designated any person may examine all records, documents, cash or account, deposits, stores and other assets of the commission and may interrogate any of the members, officers or staff of the commission.

16. Legality, nature and finality of the commission: Any decision given by the commission on any petition submitted under section 6(1) shall be treated as decree of the civil court and neither appeal or revision petition can be submitted to any court or any authority nor question can be raised regarding its legality or appropriateness.

17. Implementation of decision of the commission: (1) Notwithstanding anything contained in any law, Commission shall implement decision like decree or in some case order of civil court through its officer or staff or by the Government authority, if necessary.

(2) For achieving the objectives of sub-section (1) all authorities shall be bound to follow the instructions of the Commission.

18. Power of formulating rules: The Government may, for achieving the objectives of the Act, formulate rules through consultation with the Council and through gazette notification.

19. Contempt of the commission means contempt of court: To implement the objectives of the Commission the rules contained in Penal code 1860 (Act XXV of 1860) under section 220 and code of criminal procedure 1898 (Act V of 1898) under section 480 shall be treated as civil court and the Commission may take actions against its contemptuous person.

20. Protection for working in good faith: If any person suffers loss or damage or if there is a chance of his/her suffering loss or damage as a result of doing any work in good faith under this Act, rules or regulations, then no civil or criminal suit or any other legal action can be taken against the Government, the Council or any person authorized by them or Government officials/employees or officials/employees of the Council.

Kazi Rafiquddin Ahmad
Secretary

Addendum of the PCJSS

On 12 July 2001, just the day before the handing over charge to the Caretaker government, the previous government hurriedly passed the “CHT Land (Disputes Settlement) Commission Act 2001” in the parliament without taking into account the advice and recommendations given by the CHTRC. As a result, so many provisions crept into the Act which were contradictory to the CHT Accord and detrimental to the interest of the Jumma people.

Recommendations on amendment of CHT Land Dispute Resolution Commission Act 2001 that CHTRC sent to the government on 7 May 2009 for consideration are as follows:

Sl.	Amendable Section of the Act	Recommendations of CHTRC	Reason
1.	Preamble Para 4 Line 3: Hill District Committee and Parbatya Jana Samhati Samiti .. signed an Agreement	The National Committee on CHT and Parbatya Chattagram Jana Samhati Samiti .. signed an agreement	National committee on CHT and Parbatya Chattgram Jana samhati samiti signed the CHT Accord.
2.	Section 2(f) “Rehabilitated Refugee” means the refugees enlisted under the agreement signed between the Government and the tribal refugees’ leaders on March 9, 1997 at Agartala of India;	Section 2(f) “Rehabilitated Refugee” means the refugees repatriated under the 16- point and 20-point package deals signed between the Government and the Refugee Leaders in 1992 and 1997 respectively.	Refugees, who took shelter in Indian relief camps returned under the said package Deals in 1992 and 1997.
3.	Section 2 (g) ‘Existing Law’ means all the Acts, traditions, rules, circulars, which were in force in CHT immediately before the commencement of this Act.	Section 2 (g) ‘Existing Law’ means all the Acts, traditions, rules, circulars, regulations, orders and custom or usages, which were or are in force in CHT.	1. To have coincidence with the Constitution of Bangladesh. 2. To resolve land disputes as per legislation in CHT.
4	Section 3(2)(b): The Chairman of the Regional Council or a representative nominated by him from any member of the council;	Section 3(2)(b): The Chairman of the Regional Council or a representative nominated by him from any Tribal member of the council;	A Tribal member would be the right person to represent in Commission.
5.	Section3(2)(c): Chairmen of the concerned Hill District Councils, ex-officio;	Section 3(2)(c): Chairmen of the concerned Hill District Councils, ex-officio or a representative nominated by him from any Tribal member of the council;	A Tribal member would be the right person to represent in Commission.
6.	Section 3(2)(d): Circle Chief of the concerned circle, ex-officio;	Section 3(2)(d): Circle Chief of the concerned circle, ex-officio or his representative nominated by him;	It will help functioning of the Commission even in absence of him.
7.	Section 4 (1): The head office of the commission shall be located in the Khagrachari District headquarter.	Section 4 (1): The head office of the commission shall be located in the Rangamati Hill District headquarter.	It is situated in the middle of the CHT.
8.	Section 6(1)(a): To settle the land related dispute of the rehabilitated refugees in accordance with the existing laws and customs in the Chittagong Hill Tracts;	Section 6(1)(a): In addition to quick settlement of the disputes of lands of the rehabilitated tribal refugees to settle, all disputes of lands, which have been illegally given in settlement and occupied in accordance with the existing laws, customs and usages of Chittagong Hill Tracts;	1.Part D section 4 of CHT Accord states that all disputes of lands shall be settled. 2 Illegal land settlement and occupation continues until now.
9.	Section 6(1)(b): The claim and	Section 6(1)(b): The claim and	Part D Section 6 b of CHT

	rights of the petitioner or the opposite party on the land referred shall be settled and if necessary, restored under the existing laws and custom of Chittagongs Hill Tracts;	rights of the petitioner or the opposite party on the land referred shall be settled and if necessary, restored under the existing laws, custom and usages of CHT;	Accord states that land disputes shall be settled in according to the existing laws, custom and usages of CHT ;
10.	Section 6(1)(c): Any land has been given in settlement in violation of the existing laws of CHT, shall be cancelled and if any lawful owner has been illegally occupied on account of such settlement shall be restored:	Section 6(1)(c): Any land has been given in settlement in violation of the existing laws, custom and usages of CHT, shall be cancelled and if any lawful owner has been illegally occupied on account of such settlement shall be restored:	Part D Section 4 of CHT Accord states that land disputes shall be settled according to the existing laws, custom and usages.
11.	Section 6(1)(c): Provided that, this sub-section shall not be applicable in case of Reserved Forests, Kaptai Hydroelectricity Project area, Betbunia Earth Satellite Station, state-owned industries and land recorded with the Government or local authorities.	The said provision of Section 6(1)(c):shall be omitted.	Part D Section 4 of CHT Accord clearly states that all disputes of lands shall be settled by the Commission.
12.	Section 6(4): Commission or its Chairman or any member empowered by the Commission shall inspect any disputed land.	Section 6(4): Commission or its Chairman and any member empowered by the Commission shall inspect any disputed land.	To have the power with the Commission.
13.	Section 7(3): Attendance of the Chairman and another two members on the meeting shall be necessary for maintaining quorum and the Chairman of the commission shall preside over all meetings.	Section 7(3): Attendance of the Chairman and another two members on the meeting shall be necessary for maintaining quorum and the Chairman of the commission shall preside over all meetings. Provided that the Chairman of concerned Hill District Council or his representative and the concerned circle chief or his representative must be present in the meeting.	The concerned Hill District Council Chairman and the concerned Circle Chief are quite aware of the land disputes in the district and the circle.
14.	Section 7(4): If any agenda remains unresolved in any meeting that can be presented for consideration and resolution in any of the subsequent meeting and this shall not be held up on the ground that the members who were present in the earlier meeting have remained absent and the decision on this issue shall not be illegal.	Section 7(4): If any agenda remains unresolved in any meeting that can be presented for consideration and resolution in any of the subsequent meeting and however, notices shall be delivered to all members and the matter shall not be held up on the ground that the members who were present in the earlier meeting have remained absent and the decision on this issue shall not be illegal.	It is necessary to issue notice to all members of the Commission to attend the meeting.
15.	Section 7(5): Chairman shall take decision on the basis of discussion with other members present on the areas of its activities along with the matter stated in section 6(1) unanimously and in case decision	Section 7(5): Chairman shall take decision on the basis of discussion with other members present on the areas of its activities along with the matter stated in section 6(1) unanimously and in case decision	To have democratic process in taking decision.

	is not unanimous his decision shall be treated as the decision of the Commission.	is not unanimous decision of majority including the chairman shall be treated as the decision of the Commission.	
16.	Section 9: Submission of petition of the commission	Section 9: Submission of petition to the commission	To use the word 'to' is correct.
17.	Section 10(1): Under section 9, in each of the petition the names and addresses of the concerned District Administrator, illegal settler, present alleged land possession in eyes of the petitioner be settled;	Section 10(1): Under section 9, in each of the petition the names and addresses of the concerned Deputy Commissioner, illegal settler, present alleged land possession in eyes of the petitioner be settled;	Deputy Commissioner is used as per CHT Regulation, 1900.
18.	Section 10: To add a new sub-section (4).	Section 10(4): The applicant, in interest of having proper justice can apply, before disposal of the matter, at any time to amend his/her petition.	To facilitate proper justice.
19.	Section 12: Commission, if required according to its dictated terms and conditions, may by a written order delegate any power to its chairman or any member or any officer besides implementation of activities under this section or section 6(1).	Section 12: Commission, if required according to its dictated terms and conditions, may by a written order delegate, any power on inspection physically, inquiry and taking of witness except settlement of land disputes, determination of ownership or other rights and cancellation of illegal settlement as well as restitution of legal ownership, to its chairman or any member or any officer besides implementation of activities under this section or section 6(1).	To expedite disposal of land disputes.
20.	Section 13: To insert a new sub-section 3.	Section 13(3): Secretary, officers and employees of the Commission, under this sub-section, shall be appointed priority given to the tribal persons of the Hill districts.	Section 18 of Part D of CHT includes such provision.
21.	Section 17(1): Notwithstanding anything contained in any law, Commission shall implement decision like decree or in some case order of civil court through its officer or stuff or by the Government authority, if necessary.	Section 17(1): Notwithstanding anything contained in any law, Commission shall implement decision like decree or in some case order of civil court through its officer or stuff or by the Government authority, if necessary urgently.	To implement decision urgently is imperative.
22.	Section 18: The Government may, for achieving the objectives of the Act, can formulate, through gazette notification, rules, in consultation with the Council, within 6 months of framing the Act..	Section 8: The Government may, for achieving the objectives of the Act, can formulate, through gazette notification, rules, in consultation with the Council, as soon as possible of the framing of the Act.	1. To use the word ' as soon as possible' would be suitable. 2. CHTRC Act provides that Govt. can make legislation in consultation with the CHTRC.
23.	To insert a new section 21.	Section 21: Inclusion of Functions of the Land Commission into CHT Affairs Ministry.	The Rules of Business of CHT Ministry entitled it to deal in all functions on

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