

**Report**  
**on the Status of Implementation of the CHT Accord**

Signed in 1997 between  
The Government of Bangladesh and the PCJSS



Information and Publicity Department  
**Parbatya Chattagram Jana Samhati Samiti**

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

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## Foreword

The Chittagong Hill Tracts Accord 1997 signed between the Government of Bangladesh and the Parbatya Chattagram Jana Samhati Samiti (PCJSS) recognises the reestablishment of the rights of the Jumma indigenous peoples over the CHT region, southeastern part of Bangladesh with the formation of four local councils as controlling and supervisory bodies over land & land management, law & order, civil administration, police (local), development, primary & secondary education, forest & environment, and many more.

Unfortunately, only a little of the Accord was implemented during three year and eight months tenure of Awami League government. This extent was not enough at all to develop the post-Accord situation. The main issues which help introduce self-rule government system in CHT and help resolve the problem through political means were not implemented at all. The BNP-led coalition government also followed delay-dulling tactics in implementing the Accord. In addition, the coalition government violated some vital clauses of the Accord and even distorted some clauses that were implemented during the period of Awami League government. The last Caretaker Government led by Dr. Fakhruddin Ahmed did not take any positive measure to implement the CHT Accord.

As a result, most of the provisions of the Accord, especially the main issues like introduction of special governance system in CHT with effective enforcement of the three HDC Acts and CHTRC Act, preserving the characteristics of tribal-inhabited region and attaining the overall development thereof, resolution of land disputes through the Land Commission, rehabilitation of returnee Jumma refugees and internally displaced Jumma families, withdrawal of temporary camps of security forces and de facto military rule, preparing voter lists only with the permanent residents of CHT and etc. have been either left unimplemented or only partially implemented.

Though the Accord got acclamation from world community including the UN through awarding UNESCO Houpet-Felix Boigny Peace Award in 1999, the CHT Jumma people still live under duress because of continuous pressure from the civil administration manned by non-indigenous and non-local officials and communal attacks by the Bengali settlers with direct backing from many camps of the Bangladesh security forces. The Sajek arson attack, the tenth of its nature after signing the Accord carried out by Bengali settlers with the support of the Bangladesh army personnel on 19-20 February 2010 affected 10 villages. Last arson attack was made in Bagachadar and Gulshakhali union in Longadu on 17 March 2011 ablazed 21 houses.

The non-implementation and in some cases violation of vital clauses of the Accord by the successive governments in one hand and help extreme Bengali fanatic fronts float against the Jumma people on the other has seriously deteriorated the CHT situation in recent months. Unfortunately, the initiative even during the Caretaker Government led by Dr. Fakhruddin Ahmed to help develop the situation was not encouraging at all. It is also found that the government does not give exact picture of the latest status of the Accord to the countrymen and the world community as well.

On the other, present ruling party Awami League made clear commitment in its election manifesto 'A Charter for Change' section 18.2 that "The 1997 Chittagong Hill Tract Peace Accord will be fully implemented. More efforts will be directed toward the development of underdeveloped areas, and special programmes on priority basis will be taken to secure rights of the ethnic minorities, indigenous peoples and other communities, and to preserve their language, literature, culture, and unique lifestyles."

Though almost half of tenure of present Grand Alliance Government led by Awami League has already passed in the meantime, but there is no sign to fulfill its pre-election declaration to implement the CHT Accord at all. Rather there occurred a series of incidents throughout CHT since the assuming of power of the present Awami League-led Grand Alliance government. The recent arson attacks in Baghahat, Khagrachari and Longudu are enough to proof the logic. It is speculated that the Islamic fundamentalist elements at all levels in CHT have come up with the attempts of disrupting the implementation of the CHT Accord through creating chaos and confusion in the region. The Jumma people of the area have been passing their days in extreme terror of riots upon then.

The some of the major concerns developed during the rule of Grand Alliance Government include, among others, lack of political will and commitment to implement the CHT Accord, obstruction of the Regional Council and three Hill District Councils to function as per their powers and functions, unilateral initiative of land survey, implementation of so-called 'social afforestation', initiative to establish Rangamati Science and Technology University and Ghagra Medical College projects without considering socio-economic condition of indigenous

Jumma peoples, initiative of establishment of so-called Strategic Management Forum, illegal land encroachment and settlement of non-indigenous settlers, and violent communal attacks on indigenous Jumma peoples.

With a view to articulating the concerned quarters and individuals on the present state of the CHT Accord and situation of CHT region, the initiative for bringing out this update report on implementation of CHT Accord has been undertaken by the secretariat of the Information and Publicity Department of the PCJSS. It is expected that the initiative would help build idea of the readers on the extent of the implementation of the Accord and it would help raise concern in support of the implementation of the Accord so that the whole issue could not go out of control both of the Government and the PCJSS.

## Glossary

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

## HIGH COURT VERDICT ON CHT ACCORD AND CHT REGIONAL COUNCIL<sup>1</sup>

On 12-13 April 2010 the High Court (HC) Division of Bangladesh Supreme Court, in a verdict, declared the Chittagong Hill Tracts Regional Council (CHTRC) Act 1998 as well as some provisions of the Hill District Councils (HDCs) Acts unconstitutional. The HC, however, announced judgement on the CHT Accord that it being political in nature, an accord with the belligerents could not be reviewed judicially.

It is notable that the Accord popularly known as "CHT Peace Accord" was signed between the Government of Bangladesh (GoB) and Parbatya Chattagram Jana Samhati Samiti (PCJSS), the then lone political party of indigenous Jumma peoples in CHT on 2 December 1997 with an aim to resolve CHT problem by political and peaceful means. The Accord stipulated provisions to strengthen special administrative system in CHT with CHT Regional Council and three HDCs.

One writ petition against the CHT Accord, CHTRC Act and HDCs Acts was filed in 2000 by Badiuzzaman, a Bengali settler in the CHT, and the other one by Tajul Islam, a pro-Jamaat-E-Islami lawyer challenging the legality of the CHT Accord was filed with the High Court in 2007.

Barrister Rokan Uddin Mahmud and Advocate T H Khan placed submissions as amici curiae (friends of court) while Dr Kamal Hossain and Barrister Sara Hossain argued for the CHTRC, one of the parties of these cases besides the government, to the HC.

Barrister Moudud Ahmed and Barrister Abdur Razzaq moved for the petitioners while Barrister Imran Siddiq, Barrister Belayet Hossain and advocate Tajul Islam assisted them.

Additional Attorney General Murad Reza and Assistant Attorney General Protikar Chakma stood for the government.

**High Court verdict:** After a prolong hearing, the HC Bench of Justice Syed Refaat Ahmed and Justice Moyeenul Islam Chowhury announced judgement on these cases, on 12-13 April 2010 stating that the court observed the CHTRC Act 1998 was unconstitutional for it violated the 'characteristic of the unitary structure of the state.' Same way the HC declared Section 4(6), 17, 32(2), and 62(1) of the Rangamati Hill District Council (HDC) Act 1989, Khagrachari HDC Act 1989 and Bandarban HDC Act 1989, as amended in 1998 in accordance with CHT Accord saying that the amended provisions violated the 'characteristic of a unitary state.'

Section 4(6) of the HDC Acts narrates, "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".

According to Section 17 of the Acts, no people can be enrolled on the electoral rolls for the elections to the HDCs if they are not permanent residents of the district concerned.. In this connection it is noted that section 3 of Part 'B' of the Accord narrates that "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.

Section 32(2) of the HDCs Acts narrates that indigenous persons would get preference for the appointment of Class III and IV employees in the HDCs.

Section 62(1) of the HDCs Acts empowers the HDCs to recruit sub-inspectors and other police personnel below the rank of sub-inspectors with preference to the indigenous persons of the district concerned.

**High Court Guidelines:** In the judgment, HC issued five guidelines to the government. In one of the five guidelines of the judgment, the HC bench said it has found that the CHT Regional Council Act violated some articles of the constitution but it is still up to the government to form public statutory institution comprising of entirely nominated members as part of the peace process.

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<sup>1</sup> This report on High Court verdict has been prepared based on Revisiting CHT Peace Accord written by M. Shah Alam published on The Daily Star on 8 May 2010, Connecting the visible dots: A post-Accord history written Naeem Mohaiemen on The Daily Star on 16 April 2010, CHT Accord signed between the government of Bangladesh and PCJSS on 2 December 1997, news of The Daily Star on 14 and 16 April 2010 and news of New Age on 14 and 16 April 2010,

The court said that it was certainly an irony of matter that the peace process, aimed at democratic governance, had not been able to ensure the practice of democracy in CHT. However, the democratic governance in the CHT had been the lifeblood of the peace process and that should be encouraged in all earnest.

With regard to the backward section of citizens stated in the constitution, the court said that it was the government's responsibility to adopt a method and procedure, which would be reasonable and convenient for application of it to the indigenous peoples of CHT as well..

The court also said that the peace process has to be pursued against the backdrop of geo-strategic consideration and the historical circumstances under which the conflict arose and was brought to an end in 1997.

**Appellate Division stays the HC verdict:** However, the Appellate Division of the Supreme Court stayed the HC verdict on 15 April 2010 for six weeks. The chamber judge of the Appellate Division passed the order after hearing a provisional petition filed by the government, who stated to prefer an appeal against the verdict. Later the stay order of the Appellate Division was extended till regular appeal.

**High Court verdict and relevant issues:** Most of the constitutional experts said that the HC verdict was fully exparte. HC failed to consider the distinct characteristics and administrative background of the CHT. They said that the judgment would hamper the CHT peace process and create complexities in the functions of CHT regional administration. They also argued that the peace process and stability in CHT would be effected following the verdict.

Experts said that CHTRC formed in 1999 has been created as a special administrative unit under Articles 59 and 60 of the Constitution in furtherance of the goals of local government laid down in Articles 9 and 11. To protect the special rights of the indigenous people in CHT, the CHTRC has been given more power than other administrative units of local government in other parts of Bangladesh.

Such enhanced powers for similar reasons were earlier also given to three HDCs of Rangamati, Bandarban and Khagrachhari under three separate Acts in 1989. The CHT Regional Council basically coordinates the activities of the HDCs. It also provides recommendations to the GoB on matters relating to CHT.

The CHTRC does in no way resemble any organ in a federative unit e.g. a province in a federal state. It does not violate the unitary characteristic of the state or GoB. The CHTRC has only been given special territorial jurisdiction and powers as a special administrative unit, for which the Parliament is empowered under the Articles 59 and 60.

The special rights of the indigenous peoples relate mainly to their rights on land. Outsiders are not allowed to settle or occupy lands in CHT without the permission of the HDCs or the CHTRC. This is not a creation of the Accord. This was long in existence, recognised both by custom and legislation prior to the Accord.

The provisions of the Accord have been argued to be legitimate rather than violation of equality, equal opportunity and property rights clauses (Articles 27, 29 & 42) of the Constitution. Violation of Article 36 on freedom of movement has also been alleged. In fact, movement to CHT has not been barred at all. Of course, strict control has been imposed on further permanent settlement by outsiders in CHT in order to protecting rights of the indigenous peoples on their own lands in the region.

The exceptions and restrictions have been imposed under the authority of the Constitution itself, and necessarily relying on the qualifying Article 36 a use "subject to any restrictions imposed by law" put before the relevant Articles of the Constitution, or that nothing in the law can prevent the state from making special provisions to protect the interests of any backward class or group of people. This also applies to representation of the indigenous tribes enhanced in the HDCs and CHTRC and reservation of the top posts exclusively for them.

Whatever exceptions have been made in the Accord and in the subsequent enactments have been made to recognise and protect the long established special rights and status of the indigenous people. These have been done within the concept of the local government and under the relevant provisions of the Constitution with their liberal but permissible interpretations.



## REPORT ON THE IMPLEMENTATION OF THE CHT ACCORD SIGNED BETWEEN THE GOVERNMENT OF BANGLADESH AND THE PCJSS

### PREAMBLE TO THE CHT ACCORD

The Preamble to the CHT Accord, lays down, ***“Reposing full and unswerving allegiance in the State-sovereignty and territorial integrity of Bangladesh regarding its hill tracts region within the ambit of the Constitution of the People’s Republic of Bangladesh, the National Committee on Chittagong Hill Tracts on behalf of the Government of the People’s Republic of Bangladesh and the Parbatya Chattagram Jana Samhati Samiti on behalf of the inhabitants of the Chittagong Hill Tracts region have reached the following Accord, comprised of four Parts (A, B, C, D), with a view to upholding the political, social, cultural, educational and economic rights of all the citizens of the Chittagong Hill Tracts region and expediting their socio-economic development process and preserving and developing the respective rights of all the citizens of Bangladesh.”***

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

However, there were no initiative and cooperation to the implementation of the Accord by different ministries, departments, concerned institutions and authorities of the three Hill districts. Rather, there have always been attempts to misinterpret and violate the Accord to the extent as much as possible by the authorities. Moreover, there is a process to identify the Bengali settlers settled in the CHT with a political design and other outsider Bengalis infiltrating regularly into the region as “permanent residents” by misinterpreting the words “all citizens” of the CHT, and to continue to provide all facilities for them.

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

Making this a pretext, these authorities continue to ignore the Accord. The government has taken no step in this regard despite repeated demand by the PCJSS. Therefore, complexities continue to persist at every stage of the implementation of the CHT Accord and regarding development of the region.

**Part A**  
**GENERAL**

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

Clause 1 of this Part stipulates, ***“Both the parties, having considered the Chittagong Hill Tracts region as a tribe-inhabited region, recognized the need of preserving the characteristics of this region and attaining the overall development thereof”.***

The government has yet to take proper step in this direction. As a result, virtually there has been no initiative or programme on the part of the government for the protection of the “special character” of the CHT region and its development. Rather, efforts have been geared up to wipe out the “special character” of the region by adopting various anti-Jumma programmes, such as rehabilitation of the Bengali settlers in the CHT who were brought in here from various plain districts with the political design of expansion of new cluster villages of the settlers in different areas in the CHT, supporting the settlers in carrying out communal attacks on the Jumma people, illegal land grabbing in the region, inclusion of the Bengali settlers and incoming Bengali outsiders in the voter list and issuing of so-called permanent resident-certificate to them and providing the Bengali settlers with employment and other opportunities including lease and settlement of land etc which can be called “ethnic cleansing”. Thus, the “special character” of the “tribal inhabited CHT region” and the identity of the indigenous peoples and their traditional habitats, life-style and culture have been put under a serious threat.

For instance, during the period of BNP-led four-party coalition government in December 2005, the government through Parliamentary Standing Committee on the CHT Affairs Ministry tried to initiate for supplying free ration to over 28,000 Bengali settler families and took plan to settle over 10,000 new Bengali settler families in Sajek area under Baghaichari upazila as part of their policy of Islamization in the CHT. As part of this planning, a series of communal attack was made at Baghaihat area under Sajek union in 20 April 2008, 24 January 2010 and 19-20 February 2010 where hundreds of Jumma houses were completely burnt to ashes. In addition, at least 8 massive communal attacks were made during the post-Accord in three hill ditrict of CHT with intention to uproot indigenous Jumma from their ancestral land and to settle down Bengali settlers there. Moreover, activities to incite communal frenzy in the CHT are being intensified through commissioning a communalist organization called Sama Adhikar Andolan (Movement for Equal Rights).

On the other hand, Myanmarese Rohingya Muslim refugee families have settled in Nakhyangchari, Ruma, Lama, Alikadam and Sadar area of Bandarban hill district with direct support from the authorities. They have been issued “permanent resident certificate” and included in the local voter list in violation of the CHT Accord. All development and employment facilities sanctioned in the name of the local indigenous people are being routed to them.

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

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

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

### **Provisions for the CHT Accord Implementation Committee**

Clause 3 of this Part provides, ***“In order to monitor the process of implementation of this Accord, an Implementation Committee will be formed with the following members:***

***a) A member to be nominated by the Prime Minister: Convenor***

***b) The Chairman of the Task Force formed with the Purview of this Accord: Member***

***c) The President of the Parbatya Chattagram Jana Samhati Samiti: Member***

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

After assuming state power on 25 May 2009, Awami League-led present Grand Alliance government appointed Ms. Sajeda Chowdhury, Deputy Leader of the Parliament as representative of Prime Minister who will be convenor of the Committee. Since then it held two meetings at Rangamati and at Jatiya Sangsad Bhaban on 19 August and 26 October 2009 respectively and discussed important issues like amendment to the CHT Land (Dispute Resolution) Commission Act 2001 in line with the recommendation of the CHTRC, handing over of transferred subjects to the HDCs through the executive order instead of agreement between the respective ministry and the HDCs, finalization of the Rules of Business of both the CHTRC and the HDCs, setting up of offices for the CHTRC, Task Force for the rehabilitation of the Internally Displaced Persons and the India Returnee Refugees, the CHT Land Commission, and appointment of necessary staffs, allocation of resources and provision of logistics, dismantling of all temporary camps and termination of Operation Uttoron, postponing of land survey unilaterally declared by the chairman of the Land Commission, banning of terrorist organisation of UPDF etc. However, no step has been taken to the implementation of the above issues.

On the other hand, after the meeting held on 26 October 2009, the convenor of the CHT Accord Implementation Committee did not call any meeting so far. As a result, the committee totally remained inactive and the process of monitoring the implementation of the CHT Accord has been stopped totally.

## **Part B**

### **HILL DISTRICT LOCAL GOVERNMENT COUNCIL / HILL DISTRICT COUNCIL**

In the introductory part it has been laid down, ***“Both the parties have agreed to alter, amend, add to and repeal the Parbatya Zilla Sthanio Sarkar Parishad Ayin, 1989 (Rangamati Parbatya Zilla Sthanio Sarkar Parishad Ayin, 1989, Bandarban Parbatya Zilla Sthanio Sarkar Parishad Ayin, 1989 and Khagrachari Parbatya Zilla Sthanio Sarkar Parishad Ayin, 1989) and its various sections, as may be in force till the date of commencement of this Accord, in the manner set forth here under”.***

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

1. On 3, 4 and 5 May 1998 Rangamati HDC (Amendment) Act 1998, Khagrachari HDC (Amendment) Act 1998 and Bandarban HDC (Amendment) Act 1998 were passed respectively in the Parliament, and these were published in official gazette on 24 May 1998.
2. There were four provisions in the Rangamati HDC (Amendment) Act 1998 and one each in the Khagrachari HDC (Amendment) Act 1998 and Bandarban HDC (Amendment) Act 1998 which were contradictory to the CHT Accord. After several months, the contradictory provision relating to the definition of “non-tribal permanent residents” along with a few other provisions was amended in accordance with the Accord. But

the provision relating to 'all development programmes undertaken or to be undertaken at national level' is yet to be amended.

3. The government has amended the section 18 of the HDC Acts without any consultation with the CHT Regional Council. The new amendment qualifies Bengali settlers to be voters in all elections in the CHT. This is a clear violation of the CHT Accord. The CHT Regional Council demanded the government action to repeal it, but the later did not pay any attention to the demand.
4. The Election Rules and Electoral Rolls Rules of three HDCs have not been formulated till today. The Interim HDCs formed with and headed by ruling party members have been functioning years after years in undemocratic way. In fact, these HDCs work without any obligation and accountability to the people.
5. Since after the amendment of the HDC Acts in order to strengthening the HDCs as per the CHT Accord, the Rules of Business of the HDCs are yet to be amended so far.
6. Out of 68 functions under 33 subjects of the HDCs, only 12 functions have been transferred partially to the HDCs so far. The most crucial subjects, such as, law and order of the district, land and land management, police (local), secondary education, youth welfare, environment, preservation of statistics on death-birth etc. are yet to be transferred to the HDCs.
7. The three HDC Acts have not been implemented fully and properly. Rather, these Acts are being violated in various ways. Some of the provisions of the Acts violated are given below:

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

Clause 3 of this Part provides, ***"Non-tribal Permanent Resident' shall mean a person who is not a tribal and who has lands of lawful entitlement in the hill districts and who generally lives in the hill districts at a specific address"***.

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

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

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

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

#### **Issuance of Permanent Resident Certificate by the Concerned Circle Chief**

Clause 4 (5) provides, ***"Whether a person is a non-tribal or not and, if so, which community he is a member of, shall be determined, subject to his producing a certificate from the concerned Mouza Headman/Union Council Chairman/Municipality Chairman, by the concerned Circle Chief and without a certificate in this connection being received from the Circle Chief, no person shall be eligible as a non-tribal to be candidate for the post of a non-tribal member"***.

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

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

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

It may be mentioned that the Deputy Commissioners are appointed from amongst the ethnic Bengalis (non-tribal people) of the plain districts (outside of the CHT) of Bangladesh. It is very much difficult for them to identify permanent residents in the CHT for their being outsider Bengalis on one hand, and on the other hand they are naturally biased against the Jumma people and more sympathetic to the non-permanent Bengali settlers because of their same ethnic background. The Bengali settlers are using such certificate issued by the Deputy Commissioners in many cases, particularly for employment, purchase or settlement of land in the CHT and quotas reserved for the Jumma students in higher educational institutions. As a result, the non-permanent Bengali residents (settlers) are gradually becoming the owner of land and stakeholder of all facilities, such as employment and education whereas the permanent residents, particularly the Jumma people are gradually becoming landless and unemployed in the CHT. In short, a marginalisation process of the Jumma people has begun to make the non-permanent Bengali residents as numerically superior and permanent ones in the CHT. The following are the examples:

Many non-resident Bengalis had already been appointed in primary school under, Rangamati, Khagrachari and Bandarban HDCs during post-Accord period. The said persons used the certificate issued by the Deputy Commissioners of the concerned hill districts. For instances, 18 posts of the Head Teacher out of 20 posts were filled up by non-resident Bengalis in Bandarban in 2009 by using the "Permanent Resident Certificate" issued by the Deputy Commissioners of the concerned Hill districts.

#### **Preparation of Voter List and Provision on it**

Clause 9 of this Part stipulates, ***"A person shall be entitled to be considered as legally eligible for enlistment in the Voters' List if he is (1) a citizen of Bangladesh, (2) not below 18 years of age, (3) not declared by any competent court to be of unsound mind, (4) a permanent resident of the hill district"***.

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

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

In violation of this provision all the non-permanent Bengali residents (settlers) were fraudulently included in the voter lists prepared during the post-Accord periods. At least 300,000 Bengali settlers who were brought into the three hill districts in 80s by the government got enrolled in the recent voter list. Apart from them, there are hundreds of thousands of Bengalis who secretly infiltrated into the CHT individually or in groups over the recent

years and illegally occupied lands and settled in the CHT with the active support of the Bengali functionaries. Besides, there are hundreds of thousands of military and paramilitary (BDR, VDP APBN) personnel serving temporarily in the CHT. Above all, thousands of Bengali outsiders are engaged in various jobs and other economic activities in the CHT. All of them were illegally included in the said voter lists. The authorities have even included Rohingya refugees from Myanmar in the voter list made in Nakhyangchari, Ruma, Lama, Alikadam and Sadar Upzilas of Bandarban district.

While voter listing was on for election to the 9th parliamentary election, the CHT Ministry issued a government order no CHTAM (P-1)-Ranga/Law-80/2000-158 to CHTRC and three HDCs asking for their cooperation in the voter registration process. The order did not contain any instruction to make voter list with only permanent residents of CHT. On the contrary, the order carried in a language which sounded intimidating with an inherent warning that action would be taken as per ordinance/law/rule in the event of failing to cooperate, or showing laxity and negligence in this respect. The 14 Party Coalition (Which formed the government after winning the 29<sup>th</sup> December 2008 election under the banner of Grand Alliances) in their proposal on the reformation of Election Commission and the Election System also proposed to make a voter list for CHT with the inclusion of the permanent residents of that region only. It, therefore, remains to be seen if the present government lives up to the promise it made with regard to making a separate voter list for the CHT.

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

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

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

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

If two types of voter lists are made and enforced in CHT, then -

- (1) The CHT Accord would be violation letter and spirit and serious obstacles would be created on the way to proper implementation of the Accord;
- (2) The voting right of the Jumma and permanent Bengali people would be alienated, their voting and other democratic rights would be violated and their voting rights and strength would virtually be nullified.
- (3) The permanent residents of the CHT would be deprived of the right of electing their competent representatives to the Parliament and other representative bodies;

- (4) The special administrative status and framework of the CHT would be de-recognized;
- (5) Preservation of the special characteristic of the CHT region inhabited by the Jumma people and its overall development would not be possible.
- (6) The CHT problem not to speak of its solution could be more complex than it stands presently.
- (7) The outsiders would be considered as permanent residents and their dominance would be seen and felt in all elections. It would result in the violation of the rights of the permanent residents guaranteed in the CHT Accord.
- (8) The permanent residents of the CHT would be given two types of voting rights and voter list and they would definitely go against the constitution.

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

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

#### **Provisions on Appointment of Jumma Officers and Employees**

Clause 13 of this Part provides, ***“It shall be provided in sub-section (1) and (2) of Section 31 that a Chief Executive Officer of the rank of a Deputy Secretary to the government shall be the Secretary of the Council and the tribal officers shall be given preference for appointment to this post”***. This provision has been included in the Hill District Council Act 1998. But it has not been implemented so far.

Sub-clause (a) of the Clause 14 of this Part provides, ***“The Council shall be competent, subject to approval by the government, to create posts of officers and employees of different categories for the purpose of smooth completion of the works of the Council”***.

Sub-clause (b) further provides, ***“The Council shall, as per Regulations, have competence to appoint Class-III and Class-IV employees and to transfer, suspend, dismiss, remove or otherwise punish them.***

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

Sub-clause (c) stipulates, ***“The Government shall, as per Regulations, have the authority to appoint officers in consultation with the Council and to transfer elsewhere, suspend, dismiss, remove or otherwise punish them”***.

These provisions have been included in the Act, but they have not been implemented till today. There has not been a single Chief Executive Officer in the HDCs who was drawn from the tribal community since the inception of HDCs. On other iher, many non-resident Bengalis had already been appointed in post of Class III and Class-IV including primary school teachers under Rangamati, Khagrachari and Bandarban HDCs during post-Accord period. For instances, 18 posts of the Head Teacher out of 20 posts were filled up by non-resident Bengalis in Bandarban in 2009.

Consequently, the outsider Bengali officers and employees are running most of the district and upazila (sub-district) level administration according to their sweet will. It is needless to say that these Bengali officials and employees are creating as much obstacle as possible to the implementation of the CHT Accord and appointment of Jumma officers and employees in the local administration. They are working in the interest of their bureaucratic dominance and outsider Bengali settlers. For this reason, indigenouisation of the CHT administration is a must as per the above provisions of the CHT Accord.

#### **Provisions Relating to Development Projects and Developmental Works**

Clause 19 of Part B of the CHT Accord says, ***“The Council shall be competent to prepare, undertake and implement, with the help of money receivable from the Government, development projects in respect of***

***the matters transferred to it and all development programmes undertaken at national level shall be implemented through the Council by the concerned Ministry/Department/Institution".***

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

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

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

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

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

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**Formation of Police Force (Local)**

Clause 24 of this Part provides, ***"Notwithstanding anything contained in any other law for the time being in force, Sub-Inspectors and all members of ranks subordinate thereto of the Hill District Police shall be appointed by the Council as per Regulations and prescribed procedure and the Council shall be competent to transfer them and take punitive action against them in accordance with the procedure prescribed by the Regulations; Provided that, the tribals of the district shall have preference in case of the said appointment"***.

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

Nothing has been done in giving priority to the Jumma people in appointment of police forces of the CHT as per the CHT Accord and HDC Acts. Despite repeated demand on the part of the CHTRC and PCJSS for formation of the police (local) force, the government has not transferred the subject and functions to the HDCs till today. In addition to that, proposals were sent to the government to transfer the Jumma police officers and constables serving in plain districts to the CHT as an immediate step for improvement of law and order situation of the region. The government has taken no initiative to transfer the Jumma police, except a few one as an eye wash. Above all, because of government’s failure to transfer the subject Police (local) to the HDCs, the maintenance and supervision of law and order by the CHTRC and HDCs as well are still non-functional. The police and law and order are still continued to be controlled and the power is allowed to be exercised by the same authorities (DCs and SPs) as before.

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

### Provisions Relating to Land-Transfer and Land Management

Sub-clause (a) of the Clause 26 of the Part B of the CHT Accord provides, **"Notwithstanding anything contained in any other law for the time being in force, no land and premises, including the leasable Khas lands, within the territorial limits of the Hill Districts shall be transferable by Ijara, settlement, purchase or sale except with the prior permission of the Council; Provided that this provision shall not be applicable in respect of the area of Reserved Forest, Kaptai Hydro-electric Project, Betbunia Satellite Station, State-owned in the industries and factories and the lands recorded in the name of the Government"**.

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

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

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

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

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

Sub-clause (b) of this Clause 26 provides **"Notwithstanding anything contained in any other law for the time being in force, No land, hill or forest under the controlled and within the jurisdiction of the Council shall be acquired or transferred by the Government without consultation with and the consent of the Council"**.

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

Sl	Name of the upazilas	No. of mouzas	Land (in acre)
1.	Alikadam	3 mouzas	5,754.98
2.	Naikhyangchari	3 mouzas	4,840.00
3.	Lama	5 mouzas	2,780.99

4.	Bandarban	5 mouzas	15,750.00
5.	Rowangchari	10 mouzas	45,950.00
6.	Ruma	5 mouzas	11,500.00
7.	Thanchi	4 mouzas	7,500.00
Total in 35 mouzas under 7 upazilas			94,066.97
Occupation under Forest Department without acquisition			23,933.03
Total acquired land for reserved forest			1,18,000.00

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

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

On 15 July 2010 Armed Forces Division under Prime Minister's office issued a letter to acquire 25 acres of land at Thana Para under Poli mouza in Ruma Upazila for the purpose of establishment of BDR headquarters in Ruma. Though BDR officially showed 25 acres of land for acquisition, however, it will be more than 25 acres as BDR marked the boundary of the proposed area up to bank of Shanghu river and Barshi Para and Upper & Lower Rumachar Para other than Thana Para will be affected. If the proposed BDR Wing headquarters is set up, then it will uproot 40 families of Thana Para, 15 families of Barshi Para and 50 families of Rumachar Para (Upper and Lower) from their ancestral land who belong to Marma community. Even a hostel for local indigenous students and a carpentry & sewing training centre run by a local NGO named Toymu will also be uprooted from Thana Para area.

It is also learnt that government took plan to acquire around 100 acres of land of indigenous Jumma villagers and Bengali permanent residents for expansion of Palashpur BDR zone (29 Rifle Battalion) of Matiranga (Khedachara Mouza, Belchari UP of Matiranga Upazilla) in Khagrachari district. Zone authority already demarcated the lands (100 acres land). Zone authority started works related to land acquisition and expansion of zone since 2 February 2010.

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

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

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

The government is giving hundreds of acre of fringe-land in settlement to the outsider Bengali settlers. In regard to management of Kaptai lake, on 10 April 2000, the CHTRC sent a letter to the Power, Petroleum and Mining Ministry of the previous government to reconstitute the Karnaphuli Reservoir Management Committee with the due representation of the CHTRC and the HDCs for proper utilization of the Reservoir, monitoring its resource and rule-curves. But without paying any attention to the said letter, the government formed the Committee in a manner that smacks of Bengali chauvinism and high handed manner with 18 members. The committee was lopsided because almost all of them are bureaucrats and technocrats from the plain district of Bangladesh. The committee was headed by the Divisional Commissioner, Chittagong Division and its Member-Secretary was Project Manager, Karnaphuli Hydro-electric project on 25 February 2000.

The CHTRC again sent a letter to the government expressing its opinion on the formation of the Committee. Finally, on 20 July 2002, a meeting was held in the Ministry of Power, Petroleum and Mining and it was chaired by Iqbal Hasan Mahmud, then State Minister of that Ministry. In that meeting, J. B. Larma, Chairman, CHTRC explained the inseparable interrelationship between the Kaptai Reservoir and livelihood of the people living about it. He argued that the livelihood of hundred of thousands of people living in the vast interior area of the Reservoir was totally dependent on the resource of the reservoir and its proper management. He further argued that those people were to face the worst effects of the Reservoir though they had no due representation in the Reservoir Management Committee. The formation of the Management Committee, as proposed by the CHTRC, with due representation of the CHTRC and HDCs concerned was quite right and logical in the interest of the people concerned. No effective measure has yet been taken up in this regard, though the then Minister of Power, Petroleum and Mining assured him to reconsider the issue.

Clause 27 of this Part provides ***"Notwithstanding anything contained in any other law for the time being in force, the responsibility of collecting the Land Development Tax of the district shall rest in the hands of the Council and the collected tax of the district shall be deposited in the fund of the Council."***

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

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

### **Special Prerogatives of the Councils**

Clause 28 of this Part provides, ***"In the event of necessity for harmonization of the works of the Council and the Governmental authorities, the Government or the Council shall raise proposals on specific subject and the harmonization of the works shall be effected through mutual communications between the Government and Council"***.

Clause 29 of this Part provides ***"With a view to carrying out the purposes of this Act, the Government may, upon consultation with the Council, make Rules through Notification in the Government official Gazette and the Council shall have a rights to apply to the Government for review of the said Rules even after they are already made"***.

Clause 32 of this Part provides ***"If, in the opinion of the council, any law made by the National Parliament or any other authority as applicable to the hill district is one which creates hardship for the said district or is objectionable for the tribals, the Council may, upon stating the cause of hardship or abjection, apply to the Government in writing for amending or relaxing the application of such law and the Government may take remedial measures in accordance with such application"***.

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

### **Subjects and functions under the Council to be transferred by the government**

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

**Coordination, protection and improvement of law and order of the Hill districts; Police (local); Justice for disputes relating to social, cultural and tribal affairs in accordance with tribal laws and practices; Vocational education; Primary education in mother tongue; Secondary education; and Development and protection of forest resources which are not protected by the government.**

Clause 34 of this Part further includes the following the functions and responsibilities of the Hill District Council:-

**(a) Land and land management; (b) Police (local); (c) Tribal law and social justice; (d) Youth welfare; (e) Environmental protection and development; (f) Local tourism; (g) Improvement Trust and other institutions concerning local administration, other than Municipality and Union Council; (h) Issuing license for local commerce and industries; (i) Proper utilization of rivers and streams, canals and Beels and irrigation system other than water resources of the Kaptai Lake; (j) Maintaining of the statistics of birth and deaths; (k) Money Lending; (l) Jum cultivation.**

These subjects have been included in the Act, but the government continues to refrain from execution. The total subjects under the Councils are 33. But after the CHT Accord, no subject has been transferred to the Council during Awami League government in 1996-2001 and 2009-2010. However, Rangamati textile vocational institute and office of the youth and sport have been transferred to Rangamati and Bandarban HDCs on 30 April 2006 during BNP-led coalition government. The following subjects, out of 68 functions under 33 subjects have been transferred to the HDCs so far:

1. Agriculture Extension Department
2. Health-
  - (a) Health Department
  - (b) Family Planning Department
3. Primary Education Department
4. Industry and Commerce-
  - (a) Bangladesh Small and Cottage Industry Corporation (BSCIC)
  - (b) Bazar Fund Administration
  - (c) Rangamati textile vocational institute
5. Cooperative Department
6. Social Welfare
7. Fishery Department
8. Livestock Department
9. Public Health
10. Culture-
  - (a) Tribal Cultural institute
  - (b) Shilpakala Academy
  - (c) District Sport Association
  - (d) Public Library
11. Youth and Sport Office
12. Others-
  - (a) District Red Crescent Unit

It may be mentioned that out of these departments, only district level officers and employees and their salary and allowances have been transferred to the Hill District Councils. But the Sub-district level development activities and officers and employees have not been transferred to the Councils till today. In addition, only the bazaar fund administration of industry and trade and only the work and salary and allowances of the tribal cultural institutions have been transferred. In fact, the tribal cultural institutions have been still under the full control of the Ministry of Culture.

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

- (a) Registration fees of non-mechanical transports;**
- (b) Tax on buying and selling of commodities;**
- (c) Holding tax on lands and buildings;**
- (d) Tax on selling of domestic animals;**
- (e) Fees for community adjudication;**

- (f) Holding tax on Government and Non-government industries;**
- (g) A specified part of the royalty on forest resources;**
- (h) Supplementary Tax on Cinema, Jatra and Circus;**
- (i) Part of the royalty received by the Government against granting Licenses or Pattas for the exploitation of mineral resources;**
- (j) Tax on business;**
- (k) Tax on lottery;**
- (l) Tax on catching Fish.**

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

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

**Part C**  
**CHITTAGONG HILL TRACTS REGIONAL COUNCIL**

As per the Clause 1 of Part C of the CHT Accord, ***“a Regional Council will be formed comprising the Local Government Councils of three Hill Districts, subject to amendment and addition of the various sections in the Parbatya Zilla Sthanio Sarkar Parishad Ayin, 1989 (Act IXX, XX and XXI of 1989) for purpose of making the Hill District Council more powerful and effective”***.

Clause 2 of this Part provides ***“The elected Members of the Hill District Councils shall, by indirect mode, elect the Chairman of this Council whose status shall be equivalent to that of a State Minister and who shall be a tribal”***.

Clause 3 of this Part provides ***“The Council shall consist of 22 (twenty-two) Members including the Chairman. Two third of the Members shall be elected from amongst the tribals. The Council shall determine the modality of its functioning”***.

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

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

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

**Supervision and Coordination of the Three Hill District Councils**

Sub-clause (a) of the Clause 9 of this Part provides ***“The Council shall coordinate all the development activities carried out by the three Hill District Councils, and shall also superintend and harmonize all the affairs of and assigned to the three Hill District Councils. Besides, in the event of lack of harmony or any inconsistency being found in the discharge of responsibilities given to the three Hill District Councils, the decision of the Regional Council shall final”***.

Though these provisions have been included in the Act, the authorities (Deputy Commissioners, Superintendent of Police, HDCs, CHT Development Board, Pourashavas, Upazila Council, different Departments, Directorates and Ministries of the Government) are not complying with and respecting the authority of supervision and coordination of the CHTRC. It is mentionable that the Rangamati HDC had ignored the decision of the Regional Council on the correction of irregularities in appointing 71 teachers in 1998. The CHTRC had given a decision calling for cancellation of the appointment, reconstitution of the appointment committee as per rule and appointment of the teachers anew by re-conducting test and interviews. The issue was raised with the government, and the responsibility of giving decision on the issue as per law was vested with the CHTRC. The HDC stuck to its previous decision ignoring the decision given by the CHTRC. The Rangamati HDC took no step as yet.

Again, in September 2002, the Rangamati HDC and Khagrachari HDC just ignored the decision given by the CHTRC for the settlement of the problem arising out of the primary school teachers employment notices issued by the HDCs in which the DCs were authorized to issue “permanent resident certificate” in violation of the CHT Accord. In addition to that, the three HDCs continue to ignore the CHTRC since their formation with the hand picked men of the ruling party. In this way, the HDCs under the influence of a particular quarter of the government to continue to non-cooperate with and oppose the CHTRC seriously damaging the spirit of supervision and coordination authority of the CHTRC.

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

In addition to that, the CHTRC had approved its *Parbatya Chattagram Anchalik Parishad Chairman O Sadasyader Sujog-Subidha Probidhanmala, 1999* (Rules for the remuneration and privileges for the Chairman and Councillors of CHTRC, 1999) and sent it to the Ministry over twelve years ago for final approval of the Ministry. But with an ulterior motive the CHT Affairs Ministry has kept it pending without any approval.

The CHTRC asked the Bandarban HDC to investigate the alleged irregularities took place in appointment of primary school teachers 2005. However, the later formed with then ruling BNP-party members defied the instruction and denied sharing any information with the first formed predominantly with PCJSS members on the issue. Many Bengali settlers were allegedly appointed in the posts in violation of quota rules.

The Ministry on CHT Affairs, on the other hand, issued an order during BNP-led four-party coalition government saying that the CHTRC has no jurisdiction to supervise the function of the HDCs. It is a clear violation of concerned Acts of the CHTRC and an example of dictatorial one-party ruling system. It undermines the mandate and power and responsibility of the CHTRC. As a result, the democratic function of the CHT local government is being hampered.

#### **Supervision and Coordination of the Local Councils Including Municipalities**

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

This provision has been included in the Act. Moreover, the Ministry of Local Government in consultation with the delegations of the CHTRC issued instruction to the municipalities and other local government councils in this regard in 2001. Nevertheless, the municipalities have been non-cooperating with the CHTRC and opposing the CHTRC in carrying out its functions. The Rangamati Municipality ignored the initiative taken by the CHTRC to resolve the problem over the irregularities in appointing officers and staff in the Municipality in 2000. The issue was taken up with the government. But no initiative was taken by the government to settle the issue. In this regard, necessary amendments to the laws, ordinances and rules of other local government councils including municipalities are needed urgently. Though CHTRC proposed to the government to amend these laws of local government bodies to accommodate the provision for CHTRC supervision as per CHT Accord, but government did not take any step in this regard.

#### **Supervision and Coordination of the General Administration and Law & Order Situation**

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

This provision has been included in the Act. In addition to that, a circular no CD/DC/2(12)2000-31 dated 10 April 2001 was also issued from the Cabinet Division during the Awami League government to this effect. Notwithstanding these, the three HDCs, the Deputy Commissioners of three hill districts, Superintendent of Police, CHT Development Board and the concerned officials at the districts and upazila levels have been ignoring the CHTRC. The officials engaged in development activities and maintaining law and order have been defying the authority of the CHTRC for bureaucratic interest as well as anti-Jumma mindset. Moreover, they are getting direct and indirect support from a quarter of the successive governments and other higher authorities to oppose the implementation of the CHT Accord. It may be mentioned here that in the wake of the 8<sup>th</sup> parliamentary elections in 2001, the DC and SP of the Bandarban hill district defied a meeting on general administration and law and order called by the CHTRC.

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GoB took plan to form a “Strategic Management Forum” under a minister or an adviser with the CHT Affairs Ministry, Home Ministry, Armed Forces Division, Forest Department, concerned Circle Chief, intelligence agencies in order to curb violence in the CHT and to oversee government development activities in this region. It is reported that on 5 May 2010 the plans were placed at a review meeting on the situation in the CHT chaired by Prime Minister Sheikh Hasina. Leaders of the CHT and citizens of the country sharply criticised this government plans saying that the plans contained elements that go against the spirit of the CHT Accord. They also expressed concern that the plans might pave the way for greater military supervision in the CHT.

### **Coordination of NGO Activities, and Disaster Management and Relief Operation**

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

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

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

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

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

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

In the month of May 2010 CHT Parliamentary Standing Committee took a decision to monitor NGO activities in CHT by DCs, which was so far entrusted with the CHT Regional Council and three Hill District Councils as per its legislation. CHTRC opposed it and send letter to the concerned one including Prime Minister.

### **Tribal Law and Community Adjudication**

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

The provision has been included in the Act. But contrary to it, the DCs of the three hill districts and the military authority deployed in the CHT have continued to interfere with this subject illegally. In 2000, the Deputy Commissioner of the Bandarban Hill district, for example, interfered with a Jumma social case of the Marma ethnic Jumma community resulting in a serious reaction among the community as well as serious miscarriage of justice. In April 2001, Subedar Ahmed of Barkalak Atiar Military Camp in Jurachari upazila under Rangamati Hill

district made an attempt to arrange a forced marriage between one Mr. Kiranya Chakma, who allegedly worked as an informer of the military, and Ms Madhu Rani Chakma resulting in serious reactions among the local Jumma people. Finding no way out, the guardians of the girl filed a criminal case against this incident in the Rangamati Magistrate Court. The military official forced them to withdraw the case under dire threat. Ultimately the girl was compelled to flee elsewhere away. The said military official warned the local people not to try the Jumma social custom and land related cases and not to transfer any land to others without his permission.

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

#### **Issuance of License for Heavy Industries**

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

This provision has been included in the Act, but it has not complied with. When the process of installation of two more units in the Kaptai Hydroelectric project were in progress, the CHTRC was not consulted with.

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#### **General and Overall Supervision of the CHT Development Board**

Clause 10 of this Part provides, ***"The Chittagong Hill Tracts Development Board shall discharge the assigned duties under the general and overall supervision of the Council. The Government shall give preference to the eligible tribal candidates in appointing the Chairman of the Development Board."***

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

During the period (1996-2001) of the Awami League government a Jumma person was the Chairman of the Board. But the last coalition government appointed an outsider Bengali Muslim settler (who are from district of Feni and elected from Khagrachari constituency) Abdul Wadud Bhuyan, as Chairman of the Development Board in a gross violation of that provision of the CHT Accord. After getting appointed to the post, Mr. Bhuiyan allocated the major chunk of the CHT development fund for development in the Bengali settler-dominated areas, depriving the Jumma people of their due shares. The way he had indulged in communal and anti-Accord activities, misuse of power, serious corruptions etc. over the past years since his appointment to the post of Chairman of the CHT Development Board indicates that the development process in the CHT have been affected seriously on one hand, and the communal tension and violence has increased on the other.

On the grounds mentioned above and in the interest of durable peace and sustainable development in the CHT, the permanent residents of the region feel the urgency of making over charges of the CHT Development Board to the Chairman of the CHTRC. On the other hand, the Caretaker Government led by Dr. Fakhrudin Ahmed, instead of appointing an indigenous person, nominated the GOC of the Chittagong cantonment as the Chairman of the Board in October 2007. It was a gross violation of that provision of the CHT Accord.

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

#### **The CHT Regulation 1900**

Clause 11 of this part provides, ***"The Chittagong Hill Tracts Regulation of 1900 and other related Acts, Rules and Ordinances being found inconsistent with the Local Government Council Acts of 1989, it shall be removed by law as per advice and recommendations of the Regional Council"***.

This provision has not been complied with till today. Some provisions of the Chittagong Hill Tracts Regulation 1900, CHT Development Board Ordinance 1976, Union Council, Pourashava and Upazila Parishad Ordinance, Criminal Procedure Court and some other related Acts and Laws inconsistent with the HDC Acts and CHTRC Act

have not yet been amended to accommodate the provision for coordination and supervision of CHTRC and HDCs as per CHT Accord.

**Interim CHT Regional Council**

Clause 12 provides, ***“Until the formation of the Regional Council through direct and indirect election, the Government shall be competent to constitute an interim Regional Council and to empower it to discharge the responsibilities of assignable to the Council”.***

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

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

**Making Law on the CHT Affairs**

Clause 13 provides, ***“In making any law in connection with Chittagong Hill Tracts, the Government shall enact such law in consultation with and as per advice of the Regional Council. If it becomes necessary to amend any law which bears an adverse effect on the development of the three hill districts and welfare of the tribal people or to enact new law, the Council shall be competent to apply or submit recommendations to the Government”.***

Though the provision has been included in the Act, it is not being followed by the successive governments. The CHTRC is not being consulted in making any new law on CHT Affairs. Its recommendations are not being taken into account. In addition to these, the government is not taking any effective step to make new law or to amend any such law detrimental to the development of the hill districts and to the welfare of the Jumma people. The CHTRC was not consulted in making the Code of Rules of the NGOs, CHT Land (Dispute Settlement) Commission Act 2001, other concerned Laws and Acts.

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## Part D

### REHABILITATION, GENERAL AMNESTY AND OTHER MATTERS

In order to restore normalcy in the Chittagong Hill Tracts region and, to that end, in respect of the works and matters of rehabilitation, general amnesty and allied issues, both the parties have been arrived at the consensus and agreed to undertake programs under this part of the Accord. At a glance of present state of implementation of this part of the Accord are as follows:

1. Jumma refugees were repatriated from India. However, most of them have not got back their lands occupied by Bengali settlers and military authorities although they availed most of the economic facilities.
2. The Task Force formed by the Awami League government had unilaterally prepared a list of internally displaced Jummas in which so many internally displaced Jumma families were excluded. However, listed Jumma IDPs have not been rehabilitated so far. In addition, in violation of the CHT Accord, all the Bengali settler families were identified as “internally displaced people”.
3. Settlement of land in the name of landless could be done people due to pending resolution of land-disputes that arisen due to forcible land grabbing by the Bengali settlers.
4. During the period of Awami League government and BNP-led coalition government, three successive retired justices have been appointed as Chairman of the Land Commission. However, the Commission has not been able to work for settlement of land disputes. The CHT Land-disputes Commission Acts 2001 was passed by the Awami League government. However 23 provisions contradictory to the CHT Accord were included in this Acts. These contradictory provisions are yet to be amended so far.
5. Though few plots of leases of land given to “non-permanent residents” (Bengali outsiders) for rubber plantation and other purposes have been cancelled, but most of plots are still under the occupation of lease holders. On the contrary, lands have been given in lease to “non-permanent residents” even after the CHT Accord.
6. The government has allocated fund for development in CHT. But it is too meager to meet the requirement. During the period of successive governments, lion share of the fund was allocated for CHT Development Board bypassing the CHTRC and the HDCs. Allocation for fund are not granted as per budgets adopted by CHTRC and three HDCs.
7. There is reserved quota for indigenous students. However, it is very limited. There is not adequate scholarship of indigenous students for higher education.
8. The successive governments have not taken any step for promotion and preservation and patronage of the traditions and culture of the indigenous people.
9. The PCJSS has laid down all its arms and ammunitions after the CHT Accord. However, the government purposefully accuses the party of not laying down all its arms and ammunitions with political motive to justify military regime in the CHT.
10. Decision to withdraw 720 cases lodged against PCJSS members and persons involved in PCJSS members and permanent residents of CHT have been taken. However, the decision is yet to be implemented. In addition, cases pending in martial court are yet to be withdrawn.
11. The government has provided PCJSS members returned to “normal life” with Taka 50,000 as per the CHT Accord. 64 PCJSS members have been reinstated in their jobs. 675 PCJSS members have been appointed in police services. However, projects submitted by PCJSS members for employment and income generation have not been approved and bank loans taken by PCJSS members are also yet to be exempted.
12. PCJSS received documents on withdrawal of 31 camps out of over 500 temporary military camps in the CHT. The government claimed that 200 camps have been withdrawn from CHT since then signing of the Accord. Present government declared to withdraw 35 camps including a brigade. However, no information on the list of camps withdrawn is available from the government side. On the other, de facto military rule was imposed in CHT by declaring ‘Operation Uttoron’ in 2001 by which expansion of military installations is also continuing in CHT unabated.

13. No initiative has been taken by the government to appoint the permanent residents with priority of indigenous people in all posts and services in the CHT. As a result, most of the posts and services are still manned by Bengali outsiders and Bengali settlers.
14. The Ministry on CHT Affairs was set up and its Rules of Business was also published in official gazette on 15 July 1998. But the Ministry does not play supportive role towards implementation of the CHT Accord.

### **Repatriation of the Jumma Refugees**

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

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

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

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

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

BNP-led coalition government stopped the ration for returnee Jumma refugees without any reason 2003. Jumma refugees went to the agitation against this racial step. Hence, government was compelled to restart supply of ration for them in October 2003. However, arrears for a year ration have not been paid to them still to-date.

Clause 7 of this Part provides, **“The loans which were taken by the tribal refugees from Government agencies, but could not be properly utilized on account of the state of belligerency, shall be remitted along with interest”**. This provision has not been implemented properly. 642 refugees applied to the government for exemption of loan. Still the government has not taken any step to this effect.

### **Rehabilitation of Internally Displaced Jumma People**

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

It is a fact that no internally displaced Jumma people have been rehabilitated so far. The government has initiated a process of rehabilitation of all the Bengali settlers brought into the CHT under the state-sponsored Muslim population transfer programme for Islamisation of the CHT by identifying them as “internally displaced persons”, though the Clause 1 and 2 of Part D of the CHT Accord allow such rehabilitation only for the internally displaced Jumma (tribal) people. It resulted in a serious uncertainty over implementation of the CHT Accord and solution to the CHT conflict. In protest to the continued attempts of the Task Force to identify the Bengali settlers as “internally displaced persons” for rehabilitation in the CHT, the delegations of the PCJSS and the Returnee Jumma Refugee Welfare Association staged a walk-out from the 9<sup>th</sup> round of the meeting of the Task Force held on 22 September 1999. They boldly declared to the Task Force authorities that they would not join the meeting until and unless the process of rehabilitation of the Bengali settlers in the CHT was stopped, and issued a joint press release to this effect. Later, at a unilateral meeting held on 15 May 2000, the authorities identified 90,208 Jumma (tribal) families and 38,156 Bengali settler families as “internally displaced families” and recommended a package programme for them. The following table shows the details of the number of “internally displaced families” and package for them in the three hill districts:

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

#### **Package-facilities**

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

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

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

3. To rehabilitate the internally displaced Jumma people on the basis of the package proposal made by the PCJSS rather than on the basis of 4-point package programme unilaterally made by the Task Force.

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

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

The task of the Task Force headed by Mr. Dipankar Talukder came to an end with the end of the term of the previous government on 13 July 2001. As demanded the PCJSS, the government appointed Samiron Dewan as chairman of the Task Force on 20 October 2004. Four meetings of the body held on 22 April, 27 May, 25 July and 21 November in 2004. But no progress was made in the meeting. During the last Caretaker Government, a meeting of the Task Force was also convened on 3 June 2007 at Khagrachari circuit house. But it is deeply suspected to be called for a totally different purpose; on returning from the Task Force meeting, Mr. Santoshita Chakma Bakul, General Secretary of CHT Jumma Refugee Welfare Association and member of the Task Force was arrested by the Joint Forces.

After the assuming in the state power, Awami League-led Grand Alliance Government appointed Mr. Jatindra Lal Tripura, MP from Khagrachari, as Chairman of the Task Force in March 2009. The newly reconstituted Task Force had its first meeting on 5<sup>th</sup> October 2009 at the Khagrachari circuit house and decided on the agenda for the next meeting which included: determination of the process of identification of the internally displaced people and inclusion of the genuine IDP, 20 Point Package-Facilities, holding of monthly meetings of the Task Force, field visit by the Task Force, manpower, funds etc. On 27 January 2010 at 2.30 pm 2<sup>nd</sup> meeting of the Task Force on Rehabilitation of Returnee Tribal Refugees and Internally Displaced Persons was held at Khagrachari circuit house where Chairman of the Task Force Mr. Jatindra Lal Tripura MP presided over.

On 27 January 2010 2<sup>nd</sup> meeting of the Task Force was held at Khagrachari circuit house with Chairman of the Task Force Mr. Jatindra Lal Tripura MP in the chair. In regard to the identification of the IDPs, PCJSS representative Mr. Mr. Laxmi Prasad Chakma protested against the inclusion of the Bengalis settlers as IDPs. However, Divisional Commissioner of Chittagong division, representative of CHT Affairs Ministry, Member of the Task Force Md. Safi opposed it.

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

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

### **Provisions for the Settlement of Land with the Landless Jumma People**

Clause 3 of this Part provides, ***“In order to ensure the land-ownership of tribal families having no land or lands below 2 (two) acres, the Government shall, subject to availability of land in the locality, ensure***

**settling 2 (two) acres of land per family. In the event of non-availability of required land, grove-lands shall be tapped".** Still the government has taken no step to implement this provision of the CHT Accord.

Clause 2 of this Part provides, **"After the signing the Accord between the Government and the Jana Samhati Samiti and implementation thereof and rehabilitation of the tribal refugees and internally displaced tribals, the Government shall, as soon as possible, commence, in consultation with the Regional Council to be constituted under this Accord, the Land Survey in Chittagong Hill Tracts and finally determine the land-ownership of the tribal people through settling the land-disputes on proper verification and shall record their land and ensure their rights thereto".** This provision, one of the core points of the Accord, is lying pending in uncertainty. Rather, it is being violated in many ways.

#### **Formation of CHT Land Commission and Settlement of Land Dispute**

Clause 4 of this Part provides, **"A Commission (Land Commission) shall be constituted under the leadership of a retired Justice for settlement of disputes regarding lands and premises. This Commission shall, in addition to early disposal of land disputes of the rehabilitated refugees, have full authority to annul the rights of ownership of those hills and lands which have been illegally settled and in respect of which illegal dispossession has taken place. No appeal shall be maintainable against the judgment of this Commission and the decision of this Commission shall be deemed to be final. This provision shall be applicable in case of Fringe-lands".**

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

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

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

The new government, installed on 6<sup>th</sup> January 2009, announced the appointment of retired Justice Khademul Islam as the chairman of the Land Commission. After assuming in the office, Mr. Khademul Islam started in a dramatic fashion. He undertook a lightning tour of the three hill districts from 3-5 August 2009 and convened meeting of the Commission for exchange of views. He used the DCs of the three hill district to issue letter calling upon the members to attend the meeting which was totally irregular. For, the DCs are nobody of the Commission. The Land Commission Act provides that the secretary of the Commission shall convene the Land Commission meeting. On the other, the chairman of the Commission unilaterally declared to conduct land survey in the CHT without a decision to that effect in any of the meetings (despite the fact that the meetings were irregular). He went further, visited Rangamati and Khagrachari hill district on 7-8 September 2009 respectively, assigned DC of Khagrachari hill district with the responsibility to act as secretary who convened meeting in one day's notice for the chairman of the Commission to share his views. He did not convene any formal meeting of the Commission. Rather, he declared in the meeting of the officials to decide on the procedures of land survey in 15 days' time and to complete the survey by 15 March 2009 beginning from 15 October 2009.

Despite the huge protest from the all sections of the citizens including CHTRC and PCJSS and also three circle chiefs, the Chairman of the CHT Land Dispute Resolution Commission justice Khademul Islam Chowdhury continues his unilateral and controversial activities. In mid-July 2010 the secretary of Land Commission issued a notice to the CHT Affairs Ministry and Land Ministry to conduct cadastral survey in CHT soon; otherwise the ministries would be charged non-compliance with court order.

Section 2 of the part D of the Accord clearly provides,

*“After the signing the Accord between the Government and the Jana Samhati Samiti and implementation thereof and rehabilitation of the tribal refugees and internally displaced tribals, the Government shall, as soon as possible, commence, in consultation with the Regional Council to be constituted under this Accord, the Land Survey in Chittagong Hill Tracts and finally determine the land-ownership of the tribal people through settling the land-disputes on proper verification and shall record their land and ensure their rights thereto”.*

As per the provision above, the decision by the Land Commission chairman to undertake land survey before resolving the land disputes is a clear violation of the provision of the CHT Accord. In any case he is not mandated to conduct land survey and the government cannot go for any form of land survey before finally settling the land disputes following proper verification, and record their land ownership and ensure their rights thereto.

Since after the appointment of present Chairman of CHT Land Commission, the only meeting was held on 27 January 2010 in Khagrachari. The meeting was ended without taking any concrete decision. On 14 March 2010 Secretary of Land Commission Md. Abdul Hamid issued public notice asking affected land owners to lodge application on land disputes with Land Commission. This notice was issued without the decision of the Commission.

It may be mentioned here that 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. Among these provisions, the followings are worth mentioning:

- 1) Section 2 ((f) of the Act narrates that the word “rehabilitated refugees” means the “refugees enlisted under the Accord signed between the government and Jumma refugee leaders on 9 March 1997 in Agartala, India”. This provision merely speaks of the land-disputes of the Jumma refugees repatriated from India under the 20-point Package programme. But it excludes the land-disputes of the Jumma refugees repatriated from India under a 16-point Accord signed between the government and the then Jumma leaders in 1992.
- 2) Clause 4, Part D of the CHT Accord contains a provision for settling the disputes of those lands and hills, which have been so far illegally settled and occupied, in addition to settling land disputes of the rehabilitated Jumma refugees. But the Section 6 (1)(a) of the CHT Land (Dispute Settlement) Commission Act 2001 only speaks of the “settlement of the land-disputes of the rehabilitated Jumma refugees”. Consequently, all other land-disputes of the Jumma refugees repatriated from India under the 20-point package will remain unsettled.
- 3) Clause 6 (b), Part D of the CHT Accord provides for a provision to settle land-disputes in accordance with the “traditional land-laws, customs and practices enforced in the CHT”. But the Section 6(1)(b) of the CHT Land (Dispute Settlement) Commission Act 2001 only refers to “laws and rules”. As a result, general land laws and rules applied in other plain districts of Bangladesh will overtake the traditional land-laws, customs and practices enforced in the CHT which will surely damage the traditional right and title of the Jumma people on their land. In other words, the traditional land-laws, customs and practices enforced in the CHT which were further recognised afterwards by the CHT Accord have totally been ignored. It is a gross violation of the concerned provisions of the CHT Accord.
- 4) The Act does not refer to fringe-land, but the Accord does so and provides for provisions to resolve disputes relating to such class of land.
- 5) Section 7(5) of the Act provides, “The Chairman, on the basis of discussion with other members present, shall take decision on consensus on the subjects and other related matters stated under Section 6(1). But if no consensus is reached, the decision of the Chairman alone shall be considered as the decision of the Commission”. This provision of the Act can easily turn other members of the Land Commission into rubber stamps. It will make the Commission an undemocratic institution by empowering its Chairman with a dictatorial power.

- 6) Regarding appointment of Secretary, officers and employees of the Commission, the Section 13(1)(2) of the Act violates the Clause 18, Part D of the CHT Accord.

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

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

With the grand alliance forming a new government in January 2009, the CHTRC once again sent the recommendation to the government on 7 May 2009 for consideration. Accordingly a meeting presided by the land minister Mr. Rezaul Karim Hira was held with the CHTRC delegation in the land ministry on 26 August 2009. The three Additional District Magistrates from the three Hill Districts who were also called, against the rule, to attend the meeting opposed strongly the proposed amendments in the Land Commission Act 2001 despite the favorable stand taken by the representative from the Law Ministry. At last, the meeting ended without any conclusion. The drama that was enacted in the Law Ministry was irregular in the sense that opinion of the district level officers was sought in framing law by the Law Ministry is unprecedented and there can be no scope for fresh opinion after the vetting by the ministry itself.

Again, on 10 October 2010 an opinion-sharing meeting on Settlement of Land Dispute and Land Survey in CHT held in Rangamati chaired by the Land Minister Rezaul Karim Heera. Three MPs of the CHT region, CHTRC chairman, three HDC chairmen and three Circle Chiefs were present at the meeting. Decision was taken to amend the CHT Land Dispute Resolution Commission Act 2001 as per recommendations of the CHTRC. However, it is yet to be implemented.

In addition to the amendment of the Land Commission Act, there is the necessity of making the Rules of Business of the Land Commission for proper functioning of the Commission and its Secretary and other officials. Until the date no steps have been taken by the GoB about the Rules of the Business of the Commission.

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 <b>any member</b> of the council;	Section 3(2)(b): The Chairman of the Regional Council or a representative nominated by him from <b>any Tribal member</b> of the council;	A Tribal member would be the right person to represent in Commission.
5.	Section 3(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 <b>any Tribal member</b> 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 rights of the petitioner or the opposite party on the land referred shall be settled and if necessary, restored under <b>the existing laws and custom</b> of Chittagongs Hill Tracts;	Section 6(1)(b): The claim and rights of the petitioner or the opposite party on the land referred shall be settled and if necessary, restored under the <b>existing laws, custom and usages</b> of CHT;	Part D Section 6 b of CHT Accord states that land disputes shall be settled in according to <b>the existing laws, custom and usages of CHT</b> ;
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, Betunia 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.	The concerned Hill District Council Chairman and the concerned Circle Chief are quite aware of the land disputes in the district and the circle.

		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.	
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 is not unanimous his decision shall be treated as the decision of the Commission.	Section 7(5): Chairman shall take decision on the basis of discussion with other members present on the areas of its activities along with the matter stated in section 6(1) unanimously and in case decision is not unanimous decision of majority including the chairman shall be treated as the decision of the Commission.	To have democratic process in taking decision.
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 staff 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 staff 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 CHT

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

Clause 8 of this Part provides ***“Land allocation for rubber and other plantation: Out of the lands allotted to non-tribal and non-local persons for rubber and other plantations, the lease (allocation) in respect of the lands of those who did not undertake any project during the last ten years or did not properly utilize the lands shall be cancelled”***.

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

The Parliamentary Standing Committee on the CHT Affairs Ministry in its meeting at Khagrachari and Rangamati on 20 July 2009 and 18 August 2009 respectively decided to cancel those plots which remained unutilized for more than ten years. DC of Bandarban district claimed that about 593 plantation plots so far have been cancelled. But to the utter frustration of the CHT people, the DC of Bandarban has recently reinstated some plots to the owners keeping the CHT Ministry in dark. More plots are in the process of being reinstated.

On the other hand, allotments of land under this category continue unabated by the authorities. The Deputy Commissioner of the Bandarban Hill district continues to give hundred of acres of land in lease to the outsider non-tribal Bengali people in violation of the concerned provisions of the CHT Accord.

In the name of rubber plantation and horticulture, in June 2000, the Deputy Commissioner of the Bandarban Hill district allotted a good number of plots consisting of 25 acres to 50 acres of land from Holding no. 704 and 706 under Sualok Mouza and Holding No. 63 and 67 under Tumbru Mouza of Bandarban Hill district to his relatives and to the family members of the Superintendent of Police, Chief Executive Officer of the Bandarban HDC, Additional District Magistrate, Additional Deputy Commissioner (General and Revenue) and Bandarban Sadar Upazila Nirbahi Officer (UNO). It was learnt that 40 other district and upazila level officers were also involved in this illegal allotment and transaction of land.

A size of 25 acres of land of the indigenous Tripura community at Tongo Jiripara of Soroi union in Bandarban district have been leased out to a NGO named Development Organisation of the Rural Poor (DORP) run by non-indigenous Bengali outsiders. Very recently in May 2008, DORP set fire on orchards around 35 acres after cutting its trees planted by the indigenous villagers and hang up a signboard 'Swasthagram DORP' (Health Village Dorp) on that land. Local Tripura villagers are passing days with fear of eviction.

Similarly, a multi-level marketing company named Destiny-2000 also undertakes afforestation programme for commercial purposes at Chemi Dalupara area under Bandarban sadar upazila (sub-district) by occupying private lands owned by indigenous Jumma villagers and purchasing lands that was leased out to non-residents of CHT.

On 10 September 2008 Destiny workers tried to clean the land by setting fire with kerosene on existing forest and orchard owned by indigenous Jumma villagers, but failed due to prevent by the local people.

Similar report has been received that in 2008 by occupying more than 100 acres of Jum land of indigenous Tripura community, a NGO named Thengamara Mahila Sabuj Sangha undertakes afforestation programme at Alutila hills under Badalchara mouza in Matiranga upazila. Due to shrink Jum land by occupying this land by this NGO, livelihood of the Tripura villagers became uncertain.

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#### **Allocation of Fund for Development in the CHT**

Clause 9 of this Part provides, ***“The Government shall allocate additional finance on priority basis for the implementation of increased number of projects towards developments in the Chittagong Hill Tracts. The Government shall implement new Project on priority basis for the construction of required infrastructure for the development of the region and shall allocate necessary finance to this end. Keeping in view the environment of this region, the Government shall encourage the development of tourism facilities for the tourists, indigenous and foreign”.***

Successive government have been allocating fund toward developments in the CHT, but it is to meager to meet the requirement for development in CHT. During the BNP-led coalition government and Caretaker Government led by Dr. Fakhruddin Ahmed, lion share of the fund was allocated for CHT Development Board bypassing the CHTRC and the HDCs. The pacification programme under which 10,000 food grains are allocated for military forces is still going on. This fund is being used for socio-economic development of Bengali settlers, land grabbing by the settlers, instigation of communal tension, organising Bengali settlers against implementation of CHT Accord and so on.

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

#### **Quota Reservation and Scholarship for the Jumma Students**

Clause 10 of this Part provides, ***“Quota reservation and stipend grant: The Government shall maintain the quota system for the tribals in respect of government service and in institutions for higher studies until their attainment of parity with other regions of the country. To the aforesaid end, the Government shall grant increased number of stipends for the tribal male and female students in the educational institutions. The Government shall provide necessary scholarships for higher education and research in foreign countries”.***

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

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

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

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

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

In September 2002, a Committee on Education formed by the CHT Regional Council met the then Education Minister, then Deputy Minister of the CHT Affairs, authorities of the different universities and higher educational institutions and finally submitted a memorandum to them to increase the number of quotas for the Jumma students and proper management of quota system under civilian authorities. The proposal related to the quota system put forward by the said Committee was as follows:

(a) Increasing Quotas For Jumma Students

<b>Educational institute</b>	<b>Number of existing quota</b>	<b>Number of quota proposed</b>
Dhaka University	25	3 in each department
Chittagong University	2 in each department	4 in each department
Jahangir Nagar University	12	3 in each department
Other universities	Nil	2 in each department
Bangladesh University of Engineering Technology (BUET)	4 (3 in various departments and 1 in Architecture)	10 (8 in various departments and 2 in Architecture)
Bangladesh Agricultural University	3	3 in each department
Medical colleges	9 (3 in the three districts)	18 (6 in each district)
BITs	20	30 (10 in each district)
Universities of sciences and technologies	Nil	1 in each department
Agricultural colleges	Nil	6%
Institute of Textile Engineering	1	5
Institute of Leather Technology	5%	6%
Poly-technical institutes	Nil	6%
Cadet colleges	Nil	6%
Marine Academy, Chittagong	1	6%

- (a) To give benefit of quota system to the most disadvantaged ethnic Jumma people on priority basis; relaxation of minimum qualification marks for them in getting admission to educational institutions.
- (b) To make Rules on the tribal quotas in consultation with the CHTRC.
- (c) To annul the practice of requiring “no-objection certificate” from the GOC of the 24<sup>th</sup> Infantry Division of the Chittagong Cantonment and Ministry of CHT Affairs and police verification for the Jumma students seeking admission under the tribal quotas reserved in medical and other educational institutions.
- (d) To give special consideration on relaxation of minimum qualification marks for the Jumma students seeking admission to BITs, and provide equal opportunities to the Jumma students seeking admission to all other departments of the BITs.

- (e) To admit the Jumma students on the basis of merit in the general competitive test examinations.
- (f) To introduce a condition requiring a student to submit “permanent Jumma resident certificate” to be issued by the Circle Chief for admission to the educational institutions under tribal quota system.
- (g) To take measure for providing more scholarships with the Jumma students for higher education and research abroad.
- (h) To form a body headed by the CHTRC Chairman for the selection of the Jumma students for admission into the medical, engineering and agricultural colleges and universities under tribal quotas, for higher education and research abroad.

However, no effective step has been taken in the light of the proposal.

### **Patronage to Tribal Culture, Traditions and Customs**

Clause 11 of this Part provides, **“The Government and the Elected Representatives shall strive to uphold the characteristics of tribal creed and culture. The Government shall patronize and help the cultural activities of the tribes towards their efflorescence at national level”**.

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

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

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

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

The military forces continue to commit religious desecration and intolerance in the name of searching for “terrorists” in religious shrines of indigenous people. On 2 November 2006, a group of police personnel led by Mohammad Asad from Kaptai police station went rampage with the Kathin Chivardana, the most popular religious function of Buddhists in CHT, organized at Dhamma Rakkhita Buddhist temple like thugs breaching all decorum and principles of police. They tortured people indiscriminately and molested and assaulted women gathered and looted shops opened on the occasion. Dozens were injured seriously.

Further it is noted that in August-October 2007 the settlers from cluster villages of Dighinala and adjacent upazilas in Khagrachari district directly guided by army troops from Dighinala cantonment of Khagrachari region cleared bushes and made some makeshift at Sadhana area of Babuchara. The said area covering about 300 acres of land has been inhabited by 150 families of Jumma people and a Buddhist Meditation Center named Sadhana Tila Bana Vihar. The hundreds of local Jumma people protested against it. At a stage, the army authority was compelled to postpone the programme.

Upazilla Nirbahi Officer of Mahalchari, Md. Abdul Matin issued a public notice prohibiting construction of new religious institutions without prior permission of the authorities concerned on 12 September 2007. Although the prohibitory measure is applicable to all the three major religious places of worship in CHT such as Hindu's Mondir, Muslim's Masjid and Buddhist's Kiyang, the objective of the issuance of the notice becomes clear once the recent policy of land aggression of the government is taken into account. And it is to restrict the practice of religions other than Islam and to facilitate further expansion of illegal Bengali settlement in CHT and particularly in Mahalchari.

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On 26 October 2010 at night 4:00 a.m. a group of military forces from Banajogi Chara camp attacked Triratna Bana Sadhana Kuthir at Amtoli in remote Barkal-Jurachari border area under Subolong Union and destroyed ten Kuthirs or cottages built around the temple for practicing meditation in a remote area in Rangamati district. The army destroyed the cottages where Buddhist monks and novices live and meditate. Some Buddhist novices live in the temple which was established on 27 July 2007.

**Deposit of Arms and Ammunitions by the Members of the PCJSS**

Clause 13 of this Part provides, ***“The Government and the Jana Samhati Samiti shall, within 45 (forty-five) days of the signing of this Accord, jointly determine the date, time and place for deposit of arms. After the determination of the date and place for deposit of arms and ammunitions of the listed members of Jana Samhati Samiti, all sorts of security shall be provided for the return of the members of Jana Samhati Samiti as per list also of their family members to normal life”.***

The PCJSS had complied with this provision in toto.

**General Amnesty and Withdrawal of Cases**

Clause 14 of this Part provides, ***“The Government shall declare amnesty for those members who will deposit arms and ammunitions on the scheduled date. The Government shall withdraw all those cases which were lodged against them”.***

Clause 16 of this Part also provides, ***“A general amnesty shall be given to all the members of the Jana Samhati Samiti after their return to normal life and a general amnesty shall also be given to all the permanent inhabitants connected with the activities of the Jana Samhati Samiti”.***

Sub-clause (b) of the Clause16 also provides, ***“After deposit of arms and return to normal life of all such members, including the armed ones, of the Jana Samhati Samiti against whom cases were filed, warrants of arrest were issued, 'hulias' were published or sentence was given on trial in absentia, as against them all cases shall be withdrawn, warrants of arrest and 'hulias' shall be called back and sentence given in absentia shall be remitted as early as possible. If any member of the Jana Samhati Samiti is in Jail, he too shall be set at liberty”.***

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

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

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

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

Even there are cases against the PCJSS members and Jumma people who had been involved in the PCJSS activities pending in Chittagong Session Judge Court, though the people involved in those cases were earlier discharged by a government committee formed in the hill districts for withdrawal of such cases under the CHT

Accord. As a result, warrants are being issued against many people and some of them are being arrested on the pretext of such withdrawn cases which are still lying pending in the Judge Court.

Sub-clause (c) of the Clause 16 provides, **“Similarly, after deposit of arms and return to normal life, no case shall be filed against or punishment be given to or arrest be made of any person merely on account of his/her being a member of the Jana Samhati Samiti”**.

Notwithstanding this provision, the local law enforcing and army authorities have been arresting some people only for their being members of the PCJSS practically. For example, in 1999, a PCJSS member Sadhan Tanchangya of Rajasthali in Rangamati Hill district was arrested. Another PCJSS member Mongsathowai Marma was beaten to death, and still another Alia Chakma alias Supreme was beaten to serious injuries by a group of military personnel under Guimara Camp in Khagrachari Hill district. Moreover, warrants were issued against Anubhuti Chakma and Kalayan Chakma whose cases were in the process of withdrawal under the provision of the CHT Accord.

On 25 May 2004, a group of Bangladeshi army of 12 Engineering Corp led by Lt. Col. Abdur Rauf and Second Lt. Mahtabuddin nabbed 17 members of PCJSS, PCP and CHT Yuva Samiti from a PCJSS office at Guimara for organizing people for proper implementation of the CHT Accord. They tortured the indigenous political and students activists black and blue.

On 27 May 2004, the OC of Khagrachari police station Abdul Kalam backed by a military contingent attacked the Khagrachari district headquarters of the PCJSS and arrested 33 PCJSS members including senior leaders. They were implicated with false cases, detained and put behind the bar.

On 7 May 2006, a military agent from Mohammad Belal from Panchari camp arrested a PCJSS member Buddha Ranjan Chakma at Panchari Bazaar without any warrant. A military group led by Major Nasir took him to their camp and tortured him brutally and took his photo with arms. Next day they implicated him with “terrors” and handed him over to the Panchari police station. The police registered a case against him on charge of “terrors”.

On 20 September 2005 evening, Panchari military commander Moin Chowdhury arrested a PCJSS member Kiran Uday Chakma and took him to his camp and threatened him with dire consequence if he continues to work for the movement of the indigenous people and PCJSS.

Since proclamation of State of Emergency throughout the country, a total number of 15 members of PCJSS including General Secretary Satyabir Dewan, central member Tatindra Lal Chakma and Bimal Kanti Chakma have been arrested by the military forces by taking advantage of the State of Emergency. After summary trials under dubious conditions, the court awarded 17 years rigorous imprisonment to both Satyabir Dewan in June 2007, In addition, Mr. Bikram Marma and Mr. Sai Mong Marma, both are PCJSS leaders at Kaptai upazila in Rangamati district, were also convicted 17 years and 10 years punishment with arms cases respectively. In fact, the arms recovered from their houses during military raids were put down by the military personnel.

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

Sub-clause (d) of the Clause 16 provides, **“The loans which were taken by such members of the Jana Samhati Samiti from Government Banks and Establishments, who could not have utilized such loan properly on account of the state of belligerency, shall be remitted with interest”**.

Sub-clause (e) of the Clause 16 provides, **“Those of the returned members of the Jana Samhati Samiti, who were previously in the service of the Government or of government organisations shall be reinstated to their respective posts and the members of the Jana Samhati Samiti and members of their families shall be given employment in accordance with their qualification. In this respect, government policy regarding relaxation of age-bar for them shall be followed”**.

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

Out of 78 PCJSS members employed earlier (before joining the PCJSS) in different government services, only 64 were reinstated in their previous services. But no step has been taken for consideration of their services during the period of insurgency as qualified service-period, seniority, regularisation of pay-scale, allowances and retirement benefits etc. As a result, they are facing a lot of trouble and harassment to have these facilities and living in a great hardship. The remaining 11 PCJSS members are yet to be reinstated in their previous services.

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

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

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

Sub-clause (f) provides, "**Priority shall be given to the members of the Jana Samhati Samiti in giving bank loans on simple terms with a view to helping their self-employment generating activities such as cottage industries, horticulture, etc.**"

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

#### **Provisions for Withdrawal of All Temporary Military and Paramilitary Camps**

Clause 17. a) of this Part provides, "**After the signing and execution of the Accord between the Government and the Jana Samhati Samiti and immediately after return of the members of Jana Samhati Samiti to normal life, all the temporary camps of the army, the Ansars and the Village Defence Party (VDP), excepting the Border Security Force (BDR) and permanent army establishment (being those three at the three district headquarters and those at Alikadam, Ruma and Dighinala), shall be taken back by phases from Chittagong Hill Tracts to permanent cantonments and the time-limit shall be fixed for its purpose. In case of deterioration of the law and order situation, in time of normal calamities and for similar other purposes, Army Forces may be deployed under the authority of the civil administration in adherence to Law and Rules as are applicable to all the other parts of the country. In this respect, the Regional Council may, in order to get the required or timely help make requests to the appropriate authority.**"

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

A kind of martial law named “Operation Dabanal” (Operation Wild-fire) which was imposed on the CHT during the period of insurgency has not yet been lifted. Again it was replaced with “Operation Uttoran (Operation Upliftment)” on 1 September 2001 in the post-Accord period. Military interference with and dominance over the civil administration, tribal affairs, forest resources etc. are still continuing. In the name of “Operation Uttoran”, the military, in the previous style during the period of insurgency, still continues to interfere with the functions of the general civil administration, such as law and order, construction and repairing of roads, control over admission of the Jumma students to higher educational institutions etc. on one hand, and on the other, they continue to actively support the outsider Bengali settlers in expanding and establishing newer cluster villages in the CHT through “Shantakaran Prakaipa” (Pacification Project). The military continue to conduct operations in villages and to check and control public transports like bus, car, boat etc. by setting up newer military check posts throughout the CHT. Human rights violation by the military continues unabated. In fact, they are vigorously going for a combined programme of militarisation and Islamisation through establishing more and more outsider Bengali Muslim settlements in the CHT region. In short, it can be likened to a gradual ethnic cleansing of the Jumma people living therein.

Clause 17 (b) provides, **“The lands and premises abandoned by the cantonments, the camps of the military and para-military forces shall be made over to their real owners or to the Hill District Councils”**.

So far this provision has not been as meticulously followed by the military authority as it has been laid down in the CHT Accord. No such lands from which the temporary camps were withdrawn were returned either to the original owner of the land or to the concerned Hill District Councils.

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

1	Deployment of army at Bilaichari camp withdrawing APBN (17 October 2003); similarly APBN of Sakrachari and Gachkabachara camps were replaced with army
2	9,560 acres of land acquired for extension of Ruma cantonment
3	183 acres of land acquired for extension of Bandarban brigade headquarters
4	30,000 acres of land acquired for establishment of artillery training centre in Bandarban
5	26,000 acres of land acquired for establishment of airforce training centre in Bandarban
6	50 acres of land acquired for extension of Longadu army zone
7	143 acres of land acquired for extension of Panchari army zone
8	Army camp re-established at Gokulmoni Karbari Para under Matiranga upazila
9	New army camp established on the land of Priti Bikash Talukdar and Sadan Bikash Chakma at Ghilachari Mukh Talukdar Para of Ghagra in Kaukhali (16 June 2003)
10	Army camp re-established at ward no. 9 of Batnatali union under Manikchari upazila (2004)
11	Army camp re-established at Banyachhola of ward no. 9 under Laxmichari upazila (2004)
12	Army camp re-established at Khiram area under Kaukhali upazila
13	New army camp established at Betchari of Tarasa union under Rowangchari upazila (January 2005)
14	New army camp established at Bangalhalia bazar under Rajasthali upazila (2005)
15	New army camp established at Dantkupyra area under Khagrachari sadar upazila (2007)

The 24 Infantry Division of Bangladesh Army was entrusted responsibility to combat the armed struggle of the PCJSS and of the Jumma people in mid 1970s under the Programme ‘Operation Dabanal’. They still hold the same power imposed on them in the post Accord period under the same programme renamed ‘Operation Uttoran’. The orientation course to them too continues as before. Consequently, they continue having the same

attitude toward CHT and Jumma people. With direct support from the military and police forces, Bengali settlers conducted some large-scale attacks on the Jumma villages for making rooms for them, such as -

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

On 21 February 2008 the commander of Shontila camp in Pujgang under Panchari Thana of Khagrachari district issued a notice notifying that all the Headmen and village chiefs under the jurisdiction of Shontila camp are requested to appear in the camp on the 22 February 2008 by 8.00 a.m. In the end, the notice, signed and sealed by the camp commander, ordered its recipients to furnish themselves with documents relating to the temples and meditation centres and names of the presidents of the committees and the monks.

Bengali settlers with the direct support of Bangladesh military forces attacked on the 7 villages of indigenous Jumma peoples throughout the 4 kilometre long area namely Nursery Para, Baibachara, Purba Para, Nangal Mura, Retkaba, Simana para and Gangaram Mukh of Sajek union under Baghaichari upazila (sub-district) in Rangamati district in Chittagong Hill Tracts (CHT) on 20 April 2008 at night. 76 houses of indigenous villagers were burnt to ashes. Bengali settlers beat the Jumma villagers including women and children indiscriminately and looted valuables of the houses during the attack.

On 19-20 February 2010 massive communal attack on Jumma indigenous villages was made by military forces and Bengali settlers at Baghahat area of Sajek union under Baghaichari upazila in Rangamati district. The affected villages are Hajachara, Guchchha Gram, Balughat, Simanachhara, Baipaichhara, Suranganala, Kerekkaba Retkaba, Jarulchhari, Dane Bhaibachhara, Bame Bhaibachhara, MSF Para and Purbapara villages. It is learnt that around 450 houses of Jumma villagers including school, Buddhist temple and church were completely burnt into ashes. More than five hundred houses of indigenous Jumma villagers were completely burnt to ashes. Two indigenous Jumma villagers were shot death by military forces.

On the contrary, the military authorities are undermining the implementation process of the CHT Accord to make room for further settlement and empowerment of outsider Bengalis in the CHT. For that they even encourage Bengali settlers and their organizations like Sama Adhikar Andolan to attack indigenous villages and grab lands out there, on one hand, resort to various repressive measures to suppress the democratic movement of the indigenous people for implementation of the CHT Accord, on the other. On 14 June, Brigade Captain Ferdos of

Rangmati called 18 members of Welfare Council of Permanent Bengali Residents” to his camp and tortured them and threatened them to face with consequences if they continued to toe with indigenous leaders.

Like pre-CHT Accord days, the military continue to check public transportations and harass common people and search operations across the CHT by setting up check posts in different places. For instance, the military of Dighalchari camp forced to stop the Deputy Minister of CHT Affairs Ministry and a prominent indigenous leader Mani Swapan Dewan at Bilaichari in last March while he was traveling on a high speed boat. The military behaved with the Chairman of Rangamati Hill District Council in a similar manner at Bhijekizing and Lemuchari. Thus the military do not even spare indigenous government officials, not to speak of common indigenous people.

In order to interrupt the process of implementation of the CHT Accord and to continue the plan of the fundamentalism they have come up with new actions, such as, expansion of settlement of the Bengali settlers along with forcible land grabbing through creating terror on the pretext of launching operation against the terrorists in some places in the region.

They are also against the issue of withdraw of temporary camps from CHT. With this in view, they once again has taken up the programme of operation in CHT and highlighting it in the news media widely so that they can thwart the government to have any camp withdrawn or closed down at this moment.

The Army Authority has made the Sama Odhikar, a fundamentalist organization floated by the Army in CHT to oppose the CHT Accord as well as to implement the fundamentalists plan in the region. With this end the organization has taken up programmes to create chaos in the region on the pretext of falsely cited action upon them by so-called terrorists from among the Jumma people.

What is uncontested is the omnipresence of the military forces and their grip on the overall administration of the region, even after 13 years of the Accord. The opinions of the armed forces usually tend to prevail on most of the key decisions and in some cases they have taken over some of the positions which they relinquished following the Accord.

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

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

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

### **Formation of the CHT Affairs Ministry**

Clause 19 of this Part provides, ***“A ministry on Chittagong Hill Tracts shall be established on appointing a Minister from among the tribals. The following Advisory Committee shall be constituted to lend support to this Ministry:***

- 1) The Minister on Chittagong Hill Tracts;**
- 2) The Chairman/Representative, Regional Council;**
- 3) The Chairman/Representative, Rangamati Hill District Council;**
- 4) The Chairman/Representative, Khagrachari Hill District Council;**

- 5) ***The Chairman/Representative, Bandarban Hill District Council;***
- 6) ***The Member of the Parliament, Rangamati;***
- 7) ***The Member of the Parliament, Khagrachari;***
- 8) ***The Member of the Parliament, Bandarban;***
- 9) ***The Chakma Raja***
- 10) ***The Bohmong Raja***
- 11) ***The Mong Raja***
- 12) ***Three non-tribal Members nominated by the Government from amongst the permanent residents of the three hill districts”.***

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

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

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

On 29 January 2009 a meeting of the Advisory Committee of the Ministry of CHT Affairs (MoCHTA) held at the ministry's conference hall of Bangladesh Secretariat in Dhaka presided by the State Minister of the ministry Dipankar Talukder, MP. Among others the meeting was attended by chairman of CHT Regional Council Mr. Jyotirindra Bodhipriya Larma, MP from Khagrachari Mr. Jatindra Lal Tripura and chairmen of three Hill District Councils. Some issues were discussed and the state minister opined to have positive steps on them as soon as possible.

Further, on 3 February 2009 a meeting was held between the State Minister of MoCHTA Dipankar Talukder MP and 3-member delegation of CHT Regional Council led by Goutam Kumar Chakma, member of CHTRC in Dhaka. In this meeting, the CHTRC delegation raised some issues like amendment of the CHT Land Dispute Settlement Act 2001, transfer of Subjects/Functions to the three Hill District Councils, provide advice on the Regulation of the Privileges of the Chairman and Members of CHTRC, proper budget allocation to CHTRC, finalization of the Business of Rules of CHTRC etc. The State Minister opined to have positive steps on the issues and decision was made to amend the Land Commission Act in the next parliament session. The CHTRC, in the meantime has passed letter once again to the State Minister of MoCHTA with regard to the Amendments on the Land Commission Act, which include mainly on the jurisdiction of land disputes and democratization of the decision making process of the Act.

The CHT Affairs Ministry has been unable to work properly according to its mandate and power and function. 99% of the officers in the Ministry are non-indigenous persons (Bengalis). Most of them are either unaware of or insensitive with the CHT and her original inhabitants or racially prejudiced and biased for Bengali settlers in CHT. The critical point to be given serious thought in respect of the Ministry is that 99% of its staffs are non-indigenous who do not hail from the CHT. As is natural, they have no idea about the CHT people and the administration of the region. As a result, they are often found to take stands which go against the interest of the hill people. □

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

Reposing full and unswerving allegiance in the State-sovereignty and territorial integrity of Bangladesh regarding its hill tracts region within the ambit of the Constitution of the People's Republic of Bangladesh, the National Committee on Chittagong Hill Tracts on behalf of the Government of the People's Republic of Bangladesh and the Parbatya Chattagram Jana Samhati Samiti on behalf of the inhabitants of the Chittagong Hill Tracts region have reached the following Agreement, comprised of four Parts (A, B, C, D), with a view to upholding the political, social, cultural, educational and economic rights of all the citizens of the Chittagong Hill Tracts region and expediting their socio-economic development process and preserving and developing the respective rights of all the citizens of Bangladesh:-

**(A) GENERAL:**

1. Both the parties, having considered the Chittagong Hill Tracts region as a tribe-inhabited region, recognized the need of preserving the characteristics of this region and attaining the overall development thereof.
2. Both the parties have agreed to make alter, amend and add to, in consonance with the consensus and responsibilities expressed in the different section of this Agreement, the relevant laws, regulations and practices according to law as early as possible.
3. In order to monitor the process of implementation of this Agreement, an Implementation Committee will be formed with the following members:
  - a) A member to be nominated by the Prime Minister: Convenor
  - b) The Chairman of the Task Force formed with the Purview of this agreement: Member
  - c) The President of the Parbatya Chattagram Jana Samhati Samiti: Member
4. The Agreement shall come into force from the date of its signing and execution by both the parties. This Agreement shall remain valid from the date of its effect until all the steps are executed as per this Agreement.

**(B) HILL DISTRICT LOCAL GOVERNMENT COUNCIL/HILL DISTRICT COUNCIL:**

Both the parties have agreed to alter, amend, add to and repeal the Parbatya Zilla Sthanio Sarkar Parishad Ayin, 1989 (Rangamati Parbatya Zilla Sthanio Sarkar Parishad Ayin, 1989, Bandarban Parbatya Zilla Sthanio Sarkar Parishad Ayin, 1989 and Khagrachari Parbatya Zilla Sthanio Sarkar Parishad Ayin, 1989) and its various sections, as may be in force till the date of commencement of this Agreement, in the manner set forth here under:

1. The word "Tribe" used in the various sections of the Council Act shall remain in tact.
2. The name of "Parbatya Zilla Sthanio Sarkar Parishad" shall be amended and this Council shall be re-named as "Parbatya Zilla Parishad".
3. "Non-tribal Permanent Resident" shall mean a person who is not a tribal and who has lands of lawful entitlement in the hill districts and who generally lives in the hill districts at a specific address.
4.
  - a) There shall be 3 (three) seats for women in every Hill District Council. One third (1/3) third (1/3) of these seats shall be for the non-tribals.
  - b) Sub-section 1, 2, 3 and 4 of section 4 shall remain in force as per the original Act.
  - c) The words "Deputy Commissioner" and "Deputy Commissioner's" appearing in the second line of sub-section (5) of section 4 shall be substituted by the words "Circle Chief" and "Circle Chief's" respectively.

- d) The following sub-section shall be added to section 4: "Whether a person is a non-tribal or not and, if so, which community he is a member of, shall be determined, subject to his producing a certificate from the concerned Mouza Headman/Union Council Chairman/Municipality Chairman, by the concerned Circle Chief and without a certificate in this connection being received from the Circle Chief, no person shall be eligible as a non-tribal to be candidate for the post of a non-tribal member".
5. It is provided in Section 7 that a person elected to the post of Chairman or Member shall, before assumption of office, swear or affirm oath before the Commissioner, Chittagong Division. This shall be amended by provisions to the effect that the Members shall swear or affirm oath before "a Judge of the High Court Division" instead of the "Commissioner, Chittagong Division".
  6. The words "to the Commissioner, Chittagong Division" appearing in the fourth line of section 8 shall be substituted by the words "as per election rules".
  7. The words "three years" in the second line of Section 10 shall be substituted by the words "five years".
  8. It shall be provided in Section 14 that in the event of the post of Chairman falling vacant for any cause or of his absence, a tribal member elected by other members of the Council shall preside over and discharge other responsibilities.
  9. The existing Section 17 shall be substituted by the following sentences: "A person shall be entitled to be considered as legally eligible for enlistment in the Voters' List if he is (1) a citizen of Bangladesh, (2) not below 18 years of age, (3) not declared by any competent court to be of unsoundly mind, (4) a permanent resident of the hill district.
  10. The words "delimitation of constituencies" appearing in sub-section 2 of Section 20 shall be distinctly incorporated.
  11. There shall be a provision in sub-section 2 of Section 25 to the effect that the Chairman and in his absence, a tribal Member elected by the other Members shall preside over all the meetings of the Council.
  12. Since the entire area of Khagrachari district is not encompassed by the Mong Circle. the words "Khagrachari Mong Chief" appearing in Section 26 of the Act regarding Khagrachari Hill District Council shall be substituted by the words "Mong Circle Chief and Chakma Circle Chief". Similarly, there shall be made a scope for the attendance of the Bohmang Chief in the meetings of Rangamati Hill District Council. In the same manner there shall be provision that the Bohmang Circle Chief, at his will or on being invited, shall be entitled to attend the meetings of Bandarban Hill District Council.
  13. It shall be provided in sub-section (1) and (2) of Section 31 that a Chief Executive Officer of the rank of a Deputy Secretary to the government shall be the Secretary of the Council and the tribal officers shall be given preference for appointment to this post.
  14. a) There shall be provision in sub-section (1) of Section 32 that the Council shall be competent, subject to approval by the government, to create posts of officers and employees of different categories for the purpose of smooth completion of the works of the Council.  
 b) Sub-section (2) of the Section 32 shall be formulated in the following manner "The Council shall, as per Regulations, have competence to appoint Class-III and Class-IV employees and to transfer, suspend, dismiss, remove or otherwise punish them.  
 Provided that it shall be the condition attached to such appointments that the tribal residents of the district concerned shall have right of preference".  
 c) It shall be provided in sub-section (3) of Section 32 that the Government shall, as per Regulations, have the authority to appoint officers in consultation with the Council and to transfer elsewhere, suspend, dismiss, remove or otherwise punish them.
  15. The Words as per Rules shall be inserted in sub-section (3) of Section 33.
  16. The words "or in any other way determined by the Government" appearing in the third line of sub-section (1) of Section 36 shall be deleted.

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

Provided that, the tribals of the district shall have preference in case of the said appointment.
- b) The words "subject to the provisions of all other laws for the time being in force" as appear in the second line of sub-section (3) of Section 62 shall repealed and substituted by the words "as per law and rules".
25. The words "to render assistance" in the third line of Section 63 shall remain in tact.
26. Section 64 shall be amended and enacted as follows:
  - a) "Notwithstanding anything contained in any other law for the time being in force, no land and premises, including the leasable Khas lands, within the territorial limits of the Hill Districts shall be transferable by ljara, settlement, purchase or sale except with the prior permission of the Council;  

Provided that this provision shall not be applicable in respect of the area of Reserved Forest, Kaptai Hydro-electric Project, Betbunia Satellite Station, State-owned in the industries and factories and the lands recorded in the name of the Government".
  - b) "Notwithstanding anything contained in any other law for the time being in force, No land, hill or forest under the controlled and within the jurisdiction of the Council shall be acquired or transferred by the Government without consultation with or the consent of the Council.
  - c) The Council may supervise and control the works of the Headmen, Chainmen, Amins, Surveyors, Kanungos and Assistant Commissioner (land).
  - d) The reclaimed fringe lands of Kaptai Lake shall be leased out on priority basis to the original owners.

27. Section 65 shall be amended and formulated as follows: "Notwithstanding anything contained in any other law for the time being in force, the responsibility of collecting the Land Development Tax of the district shall rest in the hands of the Council and the collected tax of the district shall be deposited in the fund of the Council."
28. Section 67 shall be amended and formulated as follows: "in the event of necessity for harmonization of the works of the Council and the Governmental authorities, the Government or the Council shall raise proposals on specific subject and the harmonization of the works shall be effected through mutual communications between the Government and Council".
29. Sub-section (1) of Section 68 shall be amended and formulated as follows: "With a view to carrying out the purposes of this Act, the Government may, upon consultation with the Council, make Rules through Notification in the Government official Gazette and the Council shall have a rights to apply to the Government for review of the said Rules even after they are already made".
30. a) The words "with prior approval of the Government" in the first and second lines of Sub-section (1) of Section 69 shall be repealed and after the words "may make" in the third line the following proviso shall be added:
 

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

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

"If, in the opinion of the council, any law made by the National Parliament or any other authority as applicable to the hill district is one which creates hardship for the said district or is objectionable for the tribals, the Council may, upon stating the cause of hardship or abjection, apply to the Government in writing for amending or relaxing the application of such law and the Government may take remedial measures in accordance with such application".
33. a) The word "discipline" appearing in Item No. 1 under the heading the activities of the Council in the First Schedule shall be substituted by the word "supervision".
 

b) In Item No. 3 of the Council's activities, the following shall be added: "(1) Vocational education, (2) Primary education through mother tongue, (3) Secondary education".

c) The words "reserved or" appearing in Clause 6(b) of the Council's activities shall be deleted.
34. The following subjects shall be included in the functions and the responsibilities of the Hill District Council:
  - a) Land and land management;
  - b) Police (local);
  - c) Tribal law and social justice;
  - d) Youth welfare;
  - e) Environmental protection and development;
  - f) Local tourism;
  - g) Improvement Trust and other institutions concerning local administration, other than Municipality and Union Council;
  - h) Issuing license for local commerce and industries;
  - i) Proper utilization of rivers and streams, canals and Beels and irrigation system other than water resources of the Kaptai Lake;
  - j) Maintaining of the statistics of birth and deaths;
  - k) Wholesale business;
  - l) Jum cultivation.
35. The following items shall be added to the subjects for imposition of taxes, rates, tolls and fees by the Council as stated in the Second Schedule:
  - a) Registration fees of non-mechanical transports;

- b) Tax on buying and selling of commodities;
- c) Holding tax on lands and buildings;
- d) Tax on selling of domestic animals;
- e) Fees for community adjudication;
- f) Holding tax on Government and Non-government industries;
- g) A specified part of the royalty on forest resources;
- h) Supplementary Tax on Cinema, Jatra and Circus;
- i) Part of the royalty received by the Government against granting Licenses or Pattas for the exploitation of mineral resources;
- j) Tax on business;
- k) Tax on lottery;
- l) Tax on catching Fish.

**(C) CHIITAGONG HILL TRACTS REGIONAL COUNCIL:**

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

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

Of the male tribal Members, 5 shall be elected from the Chakma tribe, 3 from the Marma tribe, 2 from Tripura tribe, 1 from the Murung and Tanchangya tribes and 1 person from amongst the Lusai, Bowm, Pankho, Khumi, Chak and Khiang tribes.

Of the male non-tribal Members, 2 persons shall be elected from each district.

Of the female tribal Members, 1 person shall be elected from the Chakma tribe and another from the rest of the tribes.

4. There shall be reserved 3 (three) seats for the women in the Council and one third (1/3) thereof shall be for the non-tribals.
5. The Members of the Council shall, by indirect mode, be elected by the elected Members of the three Hill District Councils. The Chairman of the three hill districts shall be ex-officio Members of the Council and they shall have right to vote. The qualification and disqualification of candidature for membership of the Council shall be similar to those of the Members of the Hill District Councils.
6. The tenure of office of the Council shall be 5 (five) years. The procedure and other matters regarding the preparation and approval of the budget of the Council, dissolution of the Council, framing of the Rules of the Council, appointment and control of the officers and employees, etc. shall be similar to the procedure and other matters as are applicable to the Hill District Councils.
7. There shall be the Council, a Chief Executive Officer of the rank equivalent to that of a Joint Secretary to the Government and the tribal candidate shall be given preference for appointment to this post.
8. a) If the post of Chairman of the Council falls vacant, one person from amongst the other tribal members shall be, by indirect mode, elected Chairman for the interim period by the Members of the three Hill District Councils.

- b) If the post of a Member of the Council falls vacant for any reason, it shall be filled up by by-election.
- 9. a) The Council shall coordinate all the development activities carried out by the three Hill District Councils, and shall also superintend and harmonize all the affairs of and assigned to the three Hill District Councils. Besides, in the event of lack of harmony or any inconsistency being found in the discharge of responsibilities given to the three Hill District Councils, the decision of the Regional Council shall final.
  - b) This Council shall coordinate and supervise the Local Council, including the municipalities.
  - c) The Regional Council shall coordinate and supervise the three hill districts in matters of general administration, law and order and development.
  - d) The Council shall coordinate the activities of the NGOs in addition to disaster management and carrying out the relief programs.
  - e) Tribal law and community adjudication shall be within the jurisdiction of the Regional Council.
  - f) The Council shall be competent to grant License for heavy industries.
- 10. The Chittagong Hill Tracts Development Board shall discharge the assigned duties under the general and overall supervision of the Council. The Government shall give preference to the eligible tribal candidates in appointing the Chairman of the Development Board.
- 11. The Chittagong Hill Tracts Regulation of 1900 and other related Acts, Rules and Ordinances being found inconsistent with the Local Government Council Acts of 1989, it shall be removed by law as per advice and recommendations of the Regional Council.
- 12. Until the formation of the Regional Council through direct and indirect election, the Government shall be competent to constitute an interim Regional Council and to empower it to discharge the responsibilities of assignable to the Council.
- 13. In making any law in connection with Chittagong Hill Tracts, the Government shall enact such law in consultation with and as per advice of the Regional Council. If it becomes necessary to amend any law which bears an adverse effect on the development of the three hill districts and welfare of the tribal people or to enact new law, the Council shall be competent to apply or submit recommendations to the Government.
- 14. The sources of the Council Fund shall be as follows:
  - a) Money received from the District Council Fund;
  - b) Money or profits received from all the properties vested in or managed by the Council;
  - c) Loans and grants from the Government and other authorities;
  - d) Grants given by any institution or person;
  - e) Profits earned from the investments of the Council Fund;
  - f) Any money received by the Council;
  - g) Money received from other sources provided to the Council as per direction of the Government.

**(D) REHABILITATION, GENERAL AMNESTY AND OTHER MATTERS:**

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

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

soon as possible, commence, in consultation with the Regional Council to be constituted under this Agreement, the Land Survey in Chittagong Hill Tracts and finally determine the land-ownership of the tribal people through settling the land-disputes on proper verification and shall record their land and ensure their rights thereto.

3. In order to ensure the land-ownership of tribal families having no land or lands below 2 (two) acres, the Government shall, subject to availability of land in the locality, ensure settling 2 (two) acres of land per family. In the event of non-availability of required land, grove-lands shall be tapped.
4. A Commission (Land Commission) shall be constituted under the leadership of a retired Justice for settlement of disputes regarding lands and premises. This Commission shall, in addition to early disposal of land disputes of the rehabilitated refugees, have full authority to annul the rights of ownership of those hills and lands which have been illegally settled and in respect of which illegal dispossession has taken place. No appeal shall be maintainable against the judgement of this Commission and the decision of this Commission shall be deemed to be final. This provision shall be applicable in case of Fringe-lands.
5. This Commission shall be constituted with the following Members:
  - a) Retired Justice;
  - b) Circle Chief (concerned)
  - c) Chairman/Representative of the Regional Council;
  - d) Divisional Commissioner/Additional Commissioner;
  - e) Chairman of the District Council (concerned).
6.
  - a) The tenure of office of the Commission shall be three years. But its tenure shall be extendible in consultation with the Regional Council.
  - b) The Commission shall resolve the disputes in consonance with the law, custom and practice in force in the Chittagong Hill Tracts.
7. The loans which were taken by the tribal refugees from Government agencies, but could not be properly utilized on account of the state of belligerency, shall be remitted along with interest.
8. Land allocation for rubber and other plantation: Out of the lands allotted to non-tribal and non-local persons for rubber and other plantations, the lease (allocation) in respect of the lands of those who did not undertake any project during the last ten years or did not properly utilize the lands shall be cancelled.
9. The Government shall allocate additional finance on priority basis for the implementation of increased number of projects towards developments in the Chittagong Hill Tracts. The Government shall implement new Project on priority basis for the construction of required infrastructure for the development of the region and shall allocate necessary finance to this end. Keeping in view the environment of this region, the Government shall encourage the development of tourism facilities for the tourists, indigenous and foreign.
10. Quota reservation and stipend grant: The Government shall maintain the quota system for the tribals in respect of government service and in institutions for higher studies until their attainment of parity with other regions of the country. To the aforesaid end, the Government shall grant increased number of stipends for the tribal male and female students in the educational institutions. The Government shall provide necessary scholarships for higher education and research in foreign countries.
11. The Government and the Elected Representatives shall strive to uphold the characteristics of tribal creed and culture. The Government shall patronize and help the cultural activities of the tribes towards their efflorescence at national level.
12. The Jana Samhati Samiti shall, within 45 (forty five) days of the signing of this Agreement, submit lists of all its members to the Government including the armed ones, and the particulars of arms and ammunitions in its possession and within its control.
13. The Government and the Jana Samhati Samiti shall, within 45 (forty-five) days of the signing of this Agreement, jointly determine the date, time and place for deposit of arms. After the determination of the date and place for deposit of arms and ammunitions of the listed members of Jana Samhati Samiti, all sorts of security shall be provided for the return of the members of Jana Samhati Samiti as per list also of their family members to normal life.

14. The Government shall declare amnesty for those members who will deposit arms and ammunitions on the scheduled date. The Government shall withdraw all those cases which were lodged against them.
15. In the event of any person's failing to deposit arms within the specified time limit, the Government shall take legal action against such a person.
16. A general amnesty shall be given to all the members of the Jana Samhati Samiti after their return to normal life and a general amnesty shall also be given to all the permanent inhabitants connected with the activities of the Jana Samhati Samiti.
  - a) For the purpose of rehabilitating the returning members of the Jana Samhati Samiti, Taka 50,000/00 per family shall be given at a time.
  - b) After deposit of arms and return to normal life of all such members, including the armed ones, of the Jana Samhati Samiti against whom cases were filed, warrants of arrest were issued, 'hulias' were published or sentence was given on trial in absentia, as against them all cases shall be withdrawn, warrants of arrest and 'hulias' shall be called back and sentence given in absentia shall be remitted as early as possible. If any member of the Jana Samhati Samiti is in Jail, he too shall be set at liberty.
  - c) Similarly, after deposit of arms and return to normal life, no case shall be filed against or punishment be given to or arrest be made of any person merely on account of his/her being a member of the Jana Samhati Samiti.
  - d) The loans which were taken by such members of the Jana Samhati Samiti from Government Banks and Establishments, who could not have utilized such loan properly on account of the state of belligerency, shall be remitted with interest.
  - e) Those of the returned members of the Jana Samhati Samiti, who were previously in the service of the Government or of government organizations shall be reinstated to their respective posts and the members of the Jana Samhati Samiti and members of their families shall be given employment in accordance with their qualification. In this respect, government policy regarding relaxation of age-bar for them shall be followed.
  - f) Priority shall be given to the members of the Jana Samhati Samiti in giving bank loans on simple terms with a view to helping their self-employment generating activities such as cottage industries, horticulture, etc.
  - g) Education facilities shall be provided to the children of the members of the Jana Samhati Samiti and their certificates obtained from foreign Boards academic Institutions shall be treated as valid.
17.
  - a) After the signing and execution of the Agreement between the Government and the Jana Samhati Samiti and immediately after return of the members of Jana Samhati Samiti to normal life, all the temporary camps of the army, the Ansars and the Village Defence Party (VDP), excepting the Border Security Force (BDR) and permanent army establishment (being those three at the three district headquarters and those at Alikadam, Ruma and Dighinala), shall be taken back by phases from Chittagong Hill Tracts to permanent cantonments and the time-limit shall be fixed for its purpose. In case of deterioration of the law and order situation, in time of normal calamities and for similar other purposes, Army Forces may be deployed under the authority of the civil administration in adherence to Law and Rules as are applicable to all the other parts of the country. In this respect, the Regional Council may, in order to get the required or timely help make requests to the appropriate authority.
  - b) The lands and premises abandoned by the cantonments, the camps of the military and para-military forces shall be make over to their real owners or to the Hill District Councils.
18. Against all the posts of officers of all ranks and employees of different classes in government, semi-government, local government and autonomous bodies of the Chittagong Hill Tracts, the permanent dwellers of the Chittagong Hill Tracts shall be appointed, subject to priority being given to the tribals. But, in case of non-availability of a qualified person among the permanent dwellers of Chittagong Hill Tracts for any post, appointment may be made to such post on deputation from the Government or for a definite period.
19. A ministry on Chittagong Hill Tracts shall be established on appointing a Minister from among the tribals. The following Advisory Committee shall be constituted to lend support to this Ministry:

- 13) The Minister on Chittagong Hill Tracts;
- 14) The Chairman/Representative, Regional Council;
- 15) The Chairman/Representative, Rangamati Hill District Council;
- 16) The Chairman/Representative, Khagrachari Hill District Council;
- 17) The Chairman/Representative, Bandarban Hill District Council;
- 18) The Member of the Parliament, Rangamati;
- 19) The Member of the Parliament, Khagrachari;
- 20) The Member of the Parliament, Bandarban;
- 21) The Chakma Raja
- 22) The Bohmong Raja
- 23) The Mong Raja
- 24) Three non-tribal Members nominated by the Government from amongst the permanent residents of the three hill districts.

This Agreement is prepared in the aforesaid manner in Bengali language and executed and signed in Dhaka on Agrahayan 18, 1404 corresponding to December 2, 1997.

On Behalf of the Government of the People's  
Republic of Bangladesh

Sd/Illegible  
(Abul Hasanat Abdullah)  
Convenor

National Committee on Chittagong Hill Tracts,  
Government of Bangladesh

On Behalf of the inhabitants of Chittagong Hill  
Tracts

Sd/Illegible  
(Jyotirindra Bodhipriya Larma)  
President

Parbatya Chattgram Jana Samhati Samiti

## An Overview of the Chittagong Hill Tract Issue

The Chittagong Hill Tracts (CHT), southeastern part of Bangladesh, comprises a total area of 5,093 sq. miles with over 1.325 million populations. Among them, indigenous people are 700 thousand and Bengali Muslim settlers are 625 thousand. From time immemorial, the CHT had been the home to eleven indigenous ethnic peoples. They collectively identify themselves as the Jumma people (High Landers), the first people of the CHT. They are the Bawm, Chak, Chakma, Khumi, Khyang, Lushai, Marma, Murung, Pangkhua, Tanchangya and Tripura. The Jumma people are distinct and different from the majority Bengali people of Bangladesh in respect of race, language, culture, heritage and religion.

Before the colonization, the indigenous Jumma people of CHT were independent. There had been no external interference by any outside power in the affairs of the CHT until 1787 when an agreement was signed with the British and the British colonization started since 1860. So the Kings of the CHT reigned independently during the whole pre-British era. From 1787 to till 1860 the British government did not intervene in the internal administration of the CHT. After 1860 and until 1900 the British government administered CHT through a set of Rules promulgated from time to time. For the maintenance of discipline among the police personnel in the CHT, Frontier Police Regulation III of 1881 was promulgated on the 7 December 1881 and CHT Police Force was raised with indigenous Jumma people. For the good government of the CHT, in 1900 the British government enacted the CHT Regulation 1 of 1900 and declared it as an Excluded Area, in order to protect the Jumma people from economic exploitation by non-indigenous Bengali people and to preserve their traditional socio-cultural and political institutions based on customary laws, community ownership of land and so on. In fact several provisions of the Regulation of 1900 functioned as a safeguard for the Jumma people and it prohibited land ownership and migrations of non-indigenous peoples into the CHT.

In August 1947, the British handed over the administration of CHT to the government of Pakistan. The Pakistan government recognised CHT as an Excluded Area and even in the first constitution of Pakistan, which was passed in 1956, CHT was declared as an Excluded Area under the CHT Regulation of 1900. From the very outset, the Pakistani government looked upon the Jumma people with an eye of suspicion for being anti-Pakistani as well as anti-Islamic. There was discrimination against the Jumma people in jobs, business and education. The government policy was clearly revealed by the repealment of the CHT Frontier Police Regulation of 1881 thus disbanding the Jumma police force in 1948. Pakistan government though did not dare to cease the CHT Regulation of 1900 it had maintained grim view on the Jumma people of the CHT, it considered the indigenous Jumma people as hostile elements and pro-Indian. Therefore, the Pakistan governments' ultimate aim was to exterminate the Jumma people of the CHT through its socio-political-economic policy.

Even in 1950, in implementing her brazen designs violating the principles and spirit of the CHT Regulation of 1900, the government of Pakistan started Bengali Muslim settlement and that Bengali Muslim settlement program continued up to 1966. Side by side, the government actively encouraged the outsider Bengali Muslim infiltration into the CHT. To facilitate this, the government of Pakistan amended the CHT Regulation of 1900 several times against the will of the Jumma people in order to find a legal excuse for transmigration of the non-indigenous Bengali Muslim people from the plains of present Bangladesh into the CHT with a view to changing the CHT from a non-Muslim dominated area into Muslim dominated one. As for example, the government had enacted the CHT (Land Acquisition) Regulation, 1958 in order to grab Jumma peoples' ancestral lands. Moreover, the government snatched away the rights and privileges of the Jumma people by canceling the Excluded Area status of the CHT in 1963. In 1960, in order to materialise its evil design and breaking down the economic backbone of the Jumma people of the CHT, in the name of so-called industrial development the Pakistan government built the Kaptai hydro-electric dam on the Karnaphuli river in the heartland of the indigenous Jumma people.

After nine months of war of independence against Pakistan, Bangladesh emerged as an independent state on 16 December 1971. The indigenous Jumma people hoped that the new rulers of Bangladesh would realize their hopes and aspirations as Bangladesh rulers also struggled against the oppression and suppression of Pakistani ruler and the Jumma people would be free from oppression and discrimination. So the Jumma people demanded to the then government for regional autonomy in a democratic way. Unfortunately, the government of Bangladesh did not respect their fundamental rights and did not write even a single word in the constitution regarding the

entity and safeguard of the Jumma people. Rather, immediately following the independence of Bangladesh in early 1972 the CHT underwent militarization.

Immediately after the independence of Bangladesh the entire CHT region was thrown open for the Bengali Muslim invasions and migration. It got acceleration when there had been no provision for the CHT and its Jumma people in the new Bangladesh constitution of 1972. In no way it can be denied that the creation of Bangladesh was a traumatic experience for the Jumma people. They were still reeling from the economic impact of flooding of the Kaptai hydro-electric project and the new displacement from ancestral lands because of fierce invasions and migration there had been serious impact in the socio-economic fabrics. In fact, it was the beginning of a relentless ethnocide as well as ecocide in the CHT by intolerant successive governments on the basis of extreme Bengali nationalism.

When the democratic movement to safeguard the national existence of the Jumma peoples was negotiated by the government with repressive measures through the civil and police administrations including the militarization by construction of three Army cantonments it forced Manabendra Narayan Lama, the then M.P. and the hero of the CHT Jumma movement to call for an armed struggle. An armed wing of PCJSS was formed with the name of Shanti Bahini (Peace Force). It was due to M. N. Lama's strong leadership and organising capacity that the Jumma people of CHT were unified within a short period of time. He was able to draw the attention and support from the people for armed struggle for the rights of self-determination for the Jumma people. A parallel administration was set up in the CHT. The movement took a new shape.

Since 1979 the Government of Bangladesh undertook drastic program to settle the Bengali population from other districts of Bangladesh to CHT for outnumbering the Jumma people and use them as human shield for the protection of the Army personnel. The government declared that each settler family would be given 7.5 acres of lands for settlement, free ration for unlimited period and other supports. This program was continued in secret, the international communities were not aware of this program till mid-1980s. At least four hundred thousands of Bengali Muslims were transferred into the CHT and settled them on the Jumma people's lands. During the armed struggle, the successive governments followed the Jumma cleansing policy vigorously. Therefore, the settlers and the armed personnel from Army and other forces were let loose to forcibly occupy the land of indigenous Jumma people driving them out from their ancestral lands.

Even pleas were made to jump on the Jumma villagers for occupying their ancestral lands. Despite innumerable communal attacks fourteen major ethnocides were carried out jointly by Bengali settlers and armed forces deployed in the CHT so far. As a result thousands of Jumma people took shelter in Indian State of Tripura and Mizoram several times for life security. After the ethnocides carried out in 1986 throughout in almost all the upazilas of Khagrachari hill district the Jummas took shelter in Tripura State of India and thousands in deep forest of remote areas within the country. After the Logang massacre in 1993 more than 20 thousands Jumma people also took shelter in Tripura State. Thus, at one stage the total number of the Jummas who went to Tripura State went up to 75,000. Though all of them were not accepted in the Tripura State relief camps with relief support still the largest portion was accepted there.

However, the PCJSS always kept the door open for dialogue for resolving the CHT problem through political and peaceful means. For this purpose, the PCJSS held 6 and 13 times formal dialogues with the governments of Ershad and Khaleda Zia respectively. At the last, after holding 7 round of dialogues with Sheikh Hasina government, the 'CHT Accord' was signed between the National Committee on the CHT on behalf of the government of Bangladesh and the PCJSS on behalf of the permanent residents of the CHT in Dhaka on 2nd December 1997. The CHT Accord had ended the decades long fierce armed conflict between the Jumma people and government of Bangladesh. This Accord was hailed and welcomed by not only the Jumma people of CHT and democratic and progressive political parties of Bangladesh but also by the United Nations, European Union and many democratic governments of the world including many national and international organizations, agencies and personalities as well.

On the contrary, some political parties of Bangladesh those are with fundamentalist and extreme Bengali nationalist backgrounds rejected it, arguing that the Accord is unconstitutional, endangers the sovereignty of the country and fails to safeguard the rights of the Bengali Muslims.

It is also very painful to state that the Awami League government had no sincerity to implement the Accord though it was signed during its tenure. Sheikh Hasina, former Prime Minister even bagged UNESCO Houpet-

Felix Boigny Peace Award in 1999 for signing this Accord. Unfortunately, only a little of the Accord was implemented during her three year and eight months tenure. This extent was not enough at all to develop the post-Accord situation. The main issues which help introduce self-rule government system in CHT and help resolve the problem through political means were not implemented at all.

The BNP-led coalition government also followed delay-dulling tactics in implementing the Accord. In addition, the coalition government violated some vital clauses of the Accord and even distorted some clauses that were implemented during the period of Awami League government.

The Caretaker Government led by Dr. Fakhruddin Ahmed does not take any positive measure to implement the CHT Accord.

As a result, though eleven years have passed away, after signing of the Accord, most of the provisions, especially the main issues like introduction of special governance system in CHT with effective enforcement of the three HDC Acts and CHTRC Act, preserving the characteristics of tribal-inhabited region and attaining the overall development thereof, resolution of land disputes through the Land Commission, rehabilitation of returnee Jumma refugees and internally displaced Jumma families, withdrawal of temporary camps of security forces and de facto military rule, preparing voter lists only with the permanent residents of CHT and etc. have been either left unimplemented or only partially implemented.

There lacks not only government sincerity in implementing the Accord, but vested groups from ruling parties, civil administration, military in CHT and Islamic fundamentalist have also been impeding the Accord from the very beginning. □