

Chittagong Hill Tracts Treaty, 1997

The Chittagong Hill Tracts (CHT) peace accord was signed on December 2, 1997 in Dhaka at the Prime Minister's office between the government and the Parbatya Chattagram Jana Sanghati Samity (PCJSS). However, some hill tribe sects and organisations have rejected the accord.

Under the framework of the constitution of Bangladesh and having fullest and firm confidence in the sovereignty and integrity of Bangladesh the national Committee on CHT Affairs, on behalf of the government of the People's Republic of Bangladesh and the Parbatya Chattagram Jana Samhati Samiti, on behalf of the inhabitants of the Chittagong Hill Tracts, with an objective to elevate political, social, cultural, educational and financial rights and to expedite socio-economic development process of all citizens in CHT, arrive at an agreement described in four parts as below:

A) GENERAL

1. Both sides, considering CHT as Tribal Populated Region, recognised the necessity for protection of the character of this region and for overall development of it.
2. Both sides, in accordance with the decisions and responsibilities state in these paragraphs under this agreement, determined to make, change, amend and add concerned rules and procedures as per laws/rules.
3. With an aim to observe the implementation process of this agreement an Implementation Committee shall be formed with the persons stated below
 - a. A member to be nominated by the Prime Minister - Convenor
 - b. Chairman of the Task Force formed under this agreement - Member
 - c. President of the Parbatya Chattagram Jana Samhati Samiti - Member
4. This agreement shall be in force from the date of signing the agreement. This agreement shall remain in force until all steps and measures according to this agreement are completed by both sides.

B) HILL DISTRICT LOCAL GOVT. COUNCIL/HILL DISTRICT COUNCILS

Both sides agreed to change, amend, add and repeal the Hill District Local Government Council Acts, 1989. (Rangamati Hill District Local Government Council Act, 1989, Bandarban Hill District, Local Government Council Act, 1989 and Khagrachari Hill District Local Government Council Act, 1989) and its various sections described as below :

1. The term '*Upajati*' shall be in force.
2. The name of the Hill District Local Government Council shall be Hill District Council.
3. Who is not a tribal and possesses land legally in the Hill District and generally lives at a certain address in the Hill District he shall be meant 'non-tribal permanent resident'.
4.
 - a. There shall be 3 (three) seats for women in every Hill District Council. There shall be one-third of the said seat for non-tribal women.
 - b. Sub-section (1), (2), (3) and (4) of section 4 of the original rule shall exist.
 - c. The words "Deputy Commissioner" and "of the Deputy Commissioner" placed in the second line of sub-section (5) of the section 4 shall be replaced with the words "Circle Chief" and "of the Circle Chief" respectively.
 - d. Following sub-section shall be added in the section 4 :

Whether a person is a non-tribal shall be determined, along with the identity of non-tribal to which he belongs, by the concerned Circle Chief on the provision of submission of certificate from concerned Headman/Pourasabha Chairman/Union Parishad Chairman and no person can be a candidate for the office of the non-tribal member without a certificate from the concerned Circle Chief in this behalf.
5. It is narrated in the section 7 that a person elected chairman and member shall make an oath or announce confirmation before Divisional Commissioner of Chittagong. By amendment of it there shall be added the portion that the members shall make oath or announce confirmation before "Justice of High Court Division" in lieu of "Divisional Commissioner of Chittagong".
6. In lieu of the words "Divisional Commissioner of Chittagong" shall be placed the words "as per election procedure" in the fourth line of section 8.
7. The words "three years" placed in the second line of section 10 shall be replaced with the words "five years".
8. There shall be a provision in the section 14 that - If the office of the Chairman falls vacant and in absence of the Chairman a tribal member elected by other members of the Council shall preside and perform other responsibilities.
9. The existing section 17 shall be replaced with the sentences mentioned as below:

A person shall, under the Act, be eligible to be enrolled in the electoral roll, if

 - (1) he is a citizen of Bangladesh;
 - (2) his age is not less than 18 years;

- (3) he is not declared mentally unsound by any competent court;
- (4) he is a permanent resident of Hill District.

10. The words "determination of electoral constituency" shall be added in the sub-section (2) of section 20.
11. There shall be a provision in the sub-section (2) of section 25: The chairman and in absence of him a tribal member elected by other members shall preside over all the meeting of the Council.
12. As all the area of Khagrachari District is not included in the Mong Circle, so the words "Mong Circle Chief and Chakma Circle Chief" shall be placed in lieu of the words "Mong Chief of Khagrachari" in the section 26 of the Khagrachari Hill District Council Act. Similarly facility of attending the meetings of the Rangamati Hill District Council by Bohmong Circle Chief also shall be maintained. In the sameway there shall be a provision of attending the meetings of the Bandarban Hill District Council by Bohmong Circle Chief.
13. There shall be provision in the sub-sections (1) and (2) of section 31 that-
There shall be a Chief Executive Officer as secretary in the Council. Tribal Officers shall be given priority in this post.
14.
 - a. There shall be a provision in the sub-section (1) of section 32 that-
For the proper conduct of its affairs the Council may with the approval of the government, create posts of various categories of officers and employees.
 - b. The sub-section (2) of section 32 shall, by amendment, be made as follows:
The Council may, in accordance with regulations, appoint, transfer, suspend, dismiss, remove class three and class four employees and inflict any other punishment on them.

Provided that, priority to the tribals is maintained in the matter of the said appointment.
 - c. There shall be provision in the sub-section (3) of section 32 that-- The government in consultation with the Council may, as per regulation, appoint, transfer, suspend, dismiss, remove or inflict any other punishment on other officers of the Council.
15. In the sub-section (3) of section 33 shall be mentioned "as per regulation".
16. The words "or any other way determined by the government" placed in the third line of sub-section (1) of section 36 shall be omitted.
17. The original rule shall be in force in the fourth of sub-section (1) of section 37.
18. Sub-section (3) of section 38 shall be repealed and by amendment, the sub-section (4) shall be framed as follows:

At any time before the expiry of the financial year, if deemed necessary, budget may be framed and sanctioned.
19. In the section 42 the following sub-section shall be added--

The Council with the fund received from the government shall formulate initiate and implement development projects on the subjects transferred and all the development works initiated at the national level shall be implemented by the concerned ministry/department through the Council.
20. The word "government" placed in the second line of sub-section (2) of section 45 shall be replaced with the word "Council".
21. By amendment of rules of sections 50, 51 and 52 the following section shall be made--

"The government, if deemed necessary may advice or order the Council, in order to ensure conformity with the purpose of the Act. If the govt. is satisfied that anything done or intended to be done by the Council or on behalf of the Council is not conformity with law or contrary to public interest the government may seek information and clarification and give advice or instruction to the Council on concerned matters in writing".
22. The words "if the period of supersession is completed" shall be repealed and in lieu of them shall be added "within ninety days of supersession" before the words "this Act".
23. The words "of the government" in the third and fourth lines of section 61 shall be replaced with the words "of the ministry".
24.
 - a. By amendment of sub-section (1) of section 62- this section shall be made as follows:

"Notwithstanding anything contained in any Act for the time-being in force, all members of the rank of Sub-Inspector and below of Hill District Police shall be appointed by the Council in manner laid down by regulations and the Council may transfer and take disciplinary action against them as per procedure laid down by regulation: provided that in the matter of such appointment tribals shall be given priority".
 - b. By repealment of the words "on the provision of all other laws for the time-being in force" placed in the second line of sub-section (3) of section 62 shall be placed the words "as per rule and regulation".
25. The words "giving assistance" placed in the third line of the section 63 shall be in force.
26. By amendment of the section 64 the following sub-sections shall be made--

1. Notwithstanding anything contained in any law for the time-being in force, no land within the boundaries of Hill District shall be given in settlement, purchased, sold and transferred including giving lease without prior approval of the Council:

provided that this provision shall not be applicable in case of areas within the reserved forests, Kaptai Hydro-electricity Project, Betbunia Earth Satellite Station, State-owned industries and factories and lands recorded in the name of government.

2. Notwithstanding anything contained in any law for the time-being in force, no lands, hills and forests within the boundaries of the Hill District shall be acquired and transferred by the government without consultation and consent of the Hill District Council.

3. The Council may supervise and control functions of Headman, Chairman Amin, Surveyor, Kanungo and Assistant Commissioner (land).

4. Fringe land in Kaptai Lake shall be given in settlement on priority basis to original owners.

27. By amendment of section 65 this section shall be framed as follows:

Notwithstanding anything contained in any other law for the time-being in force, responsibility of collecting land development tax shall be entrusted in the Council and the said tax collected in the District shall be credited to the Council Fund.

28. By amendment of section 67 it shall be made as follows- "If deemed necessary for co-ordination of activities between the Council and govt. authorities, government or the Council shall put proposal on certain matter(s)".

29. By amendment of sub-section (1) it shall be made as follows- "The government having discussion with the Council may, by notification in the official gazette, make rules for carrying out the purposes of this Act and even after having rules made the Council shall have special right to file petition for reconsideration of the said rules".

30.

a. By omission of the words "with the prior approval of the government" placed in the first and second line of the sub-section (1) of section 69 and to add the following portion after the words "may"-

"provided that if the government differs with any part of the regulation made by the Hill District Council then the government shall give advice or instruction for amendment of the said regulation"

b. The words mentioned in the (h) of sub-section (2) of section 69 "transfer of power of Chairman to any officer" shall be omitted.

31. Section 70 shall be omitted.

32. By amendment of section 79 it shall be made as follows- "If any law by the Jatiyo Sangsad or any other authority, applicable to Hill District, is found to be hurtful to the District or objectionable to the tribal people in the opinion of the Council, it may file a petition in writing to the government stating the reasons of its being hurtful or objectionable for the purpose of amending or relaxing its application and the govt. shall, in the light of the petition, adopt necessary measures".

33.

a. The word "supervision" shall be added after the word "order" in the No.1 of the function of the Council of the first schedule.

b. The following subjects shall be added in the No. 3 of the function of the Council-

- (1) Vocational training;
- (2) Primary education in mother tongue;
- (3) Secondary education.

c. The words "or protected" placed in sub-section 6(b) of the function of the Council in the first schedule shall be omitted.

34. The following subjects shall be added in 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. Environment preservation and development
- f. Local tourism
- g. Improvement trust and other local govt organisations except Poursabha and Union Councils
- h. Licencing for local trade and business
- i. Proper utilisation of water resources of rivulets, canals, ponds except Kaptai lake and irrigation
- j. Preservation of death, birth and other statistics
- k. Money lending and trade
- l. Jhum cultivation.

35. The following sectors and sources shall be included in the taxes, rates, tolls and fees to be imposed by the Council as stated in the second schedule:

- a. Registration fee from non-mechanical transports
- b. Tax on sale and purchase of goods
- c. Holding tax from land and buildings
- d. Tax from sale of domestic animals
- e. Fees from cases of social justice
- f. Holding tax on government and non-government industries
- g. Part of royalty from forest resources
- h. Supplementary tax from cinema, theatre and circus etc.
- i. Part of royalty from licence or lease for exploration and extraction of mineral resources given by the government
- j. Tax from business
- k. Tax from lottery
- l. Tax from fishing.

C) CHITTAGONG HILL TRACTS REGIONAL COUNCIL

1. A Regional Council shall be formed in co-ordination with the 3 Hill District Local Government Council provided that various sections of the Hill District Local Government Council Act, 1989 (Act No. 19, 20 and 21 of 1989) shall be amended with an aim to make the 3 Hill District Local Government Councils more powerful and effective.
2. Chairman of this Council shall be elected indirectly by the elected members of the Hill District Councils where status shall be equivalent to a State Minister and he must be a Jumma.
3. The Council shall be formed with 22 (twenty two) members including the Chairman. Two-third of the members shall be elected from among the tribals. The Council shall determine its procedure of functioning.

Composition of the Council shall be as follows :-

- Chairman – 1
- Members tribal (men) – 12
- Members tribal (women) – 2
- Members non-tribal (men) – 6
- Members non tribal (women) – 1

Among the tribal men members 5 persons shall be elected from among the Chakma tribe, 3 persons from the Marna tribe, 2 persons from the Tripura tribe, 1 person from the Murung and Tanchongya tribes and 1 person from the Lusai, Bawm, Pankho, Khumi, Chak and Khiyang tribes.

Among the non-tribal men members 2 persons shall be elected from each district. Among the tribal women members 1 woman shall be elected from the Chakma tribe and 1 woman from other tribes.

4. 3 (three) seats shall be reserved for women in the Council. One-third shall be non-tribals.
5. The members of the Council shall be elected indirectly by the elected members of the Hill District Councils. Chairman of three Hill District Councils shall be ex-officio members of the Council and they shall have voting rights.

Eligibility and non-eligibility of the members of the Council shall be similar to that of the Hill District Council.

6. The term of the Council shall be 5 (five) years.
7. There shall be a chief executive officer in the Council equivalent to a Joint Secretary and priority to a tribal candidate shall be given in appointment to this post.
8.
 - a. If the office of the Chairman of the Council falls vacant then a Chairman shall be elected from among the tribal members for an interim period by the members of Hill District Councils.
 - b. If any office of a member of the Council falls vacant on any reason then that shall be filled through by-election.
9.
 - a. The Council shall supervise and co-ordinate the subjects vested under the Hill District Councils including co-ordination of all development activities conducted under the three Hill District Councils. Besides these, if there is found any lack of co-ordination and inconsistency among the three Hill District Councils in discharging their responsibilities the decision of the Regional Council shall be taken as final.
 - b. The Council shall supervise and co-ordinate local councils including the municipalities.
 - c. Regional Council may co-ordinate and supervise in the matters of general administration, law and order and development of the three Hill Districts.
 - d. The Council may co-ordinate the activities of the NGOs along with conducting of management of calamities and relief works.
 - e. Tribal laws and social justice shall be under the control of the Council.
 - f. The Council may issue licence for heavy industry.
10. The CHT Development Board shall discharge its responsibilities under general and overall supervision of the Council. In case of appointment of Chairman of the Development Board competent tribal candidate shall be given priority.

11. If the Regional Council finds any rule of the 1900 CHT Regulation and other related laws, rules and ordinances contradictory to the 1989 Hill District Council Acts then the govt shall remove that inconsistency by law according to recommendation of and in consultation with the Regional Council.
12. Until and unless Regional Council is constituted through direct and indirect election, the government may by constituting an interim Regional Council, entrust the responsibilities of the Council.
13. If the govt makes any law on CHT it shall be in having discussion and in consultation with the Regional Council. If there arises the necessity to amend any such law or to make any new law which may be harmful for development of the 3 Hill District or the welfare of the tribals, the Council may file a petition or put recommendation to the govt.
14. The fund of the Council shall be created from the following sources:
 - a. fund received from the Hill District Councils' fund
 - b. money or profits from all properties vested in and managed by the Regional Council
 - c. grant and loan from the govt or any other authority
 - d. grant from any institution or individual
 - e. profit accruing from investment by the Regional Council
 - f. any other moneys received by the Regional Council
 - g. money received from such sources of incomes as the govt may direct to be placed at the disposal of the Regional Council.

D) REHABILITATION, GENERAL AMNESTY AND OTHER MATTERS

1. An agreement has been signed between the govt and the refugee leaders on March 9, 1997 with an aim to take back the tribal refugees from India's Tripura State based on the 20-Point Facilities Package. In accordance with the said agreement repatriation of the refugees started since March 28, 1997. This process shall continue and with this in view, the JSS shall provide all kinds of possible co-operation. The internal tribal evacuees of 3 districts shall, after determination, be rehabilitated by the Task Force.
2. After signing agreement between the govt and the JSS and implementation of it as well as after rehabilitation of the tribal refugees and internal tribal evacuees the govt shall start survey of land in CHT as soon as possible and after proper inquires ownership of land shall be recorded and ensured.
3. The govt shall ensure providing two acres of lands to each landless family and the family who possesses less than 2 acres of lands, provided lands were available in the local areas. If requisite lands are not available then grove land shall be provided.
4. A commission (land commission) headed by a retired justice shall be formed for settling land disputes. This commission, in addition to settle disputes of lands of the rehabilitated tribal refugees, shall have fullest power for cancellation of ownership of those lands and hills which have been so far illegally settled and occupied. No appeal can be made against the judgement of this commission and decision of this commission shall be final. This (arrangement) shall be applicable in case of fringe land also.
5. This commission shall be set up with the following members:
 - a. Retired justice
 - b. Circle Chief (concerned)
 - c. Chairman of the Regional Council/representative
 - d. Divisional Commissioner/Additional Commissioner
 - e. Hill District Council Chairman (concerned).
6.
 - a. The term of the commission shall be three years. But the term of it can be extended in consultation with the Regional Council.
 - b. Commission shall settle disputes according to the existing rules, customs and usages of Chittagong Hill Tracts.
7. The tribal refugees who received loan from the govt but could not use them properly due to conflicting situation shall be exempted with the interests.
8. Allotment of lands for rubber plantation and other purposes: All the non tribals and non locals who were given in settlement of lands for rubber plantation and other purposes but had not implemented any projects within the past 10 years or had not utilised their lands properly, settlement of these lands shall be cancelled.
9. The govt shall allot additional fund, on priority basis, with an aim to implement more number of projects in CHT. New projects formulated with an aim of making necessary superstructures for development in the area, shall be implemented on priority basis and the govt shall provide fund for these purposes. The govt shall, having consideration about the environment in the region, encourage to develop tourism for tourists from the country and abroad.
10. Quota reservation and scholarships:- Until development equal to other region of the country the govt shall continue reservation of quota system in govt services and educational institutions for the tribals. With an aim to this purpose, the govt shall grant more scholarships for the tribal students in the educational institution. The govt shall provide necessary scholarships for research works and receiving higher education in abroad.
11. The govt and elected representative shall make efforts to maintain separate culture and tradition of the tribals. The govt in order to develop the tribal cultural activities at the national level it shall provide necessary patronisation and assistance.

12. The Jana Samhati Samiti shall submit to the govt the lists of its all members including the armed ones and the arms and ammunition under its possession and control within 45 days of signing this agreement.
13. The government and the Jana Samhati Samiti jointly shall determine the date and place for depositing arms within the 45 days of signing this agreement. After determination of date and place for depositing arms by the members included in the list of the Jana Samhati Samiti the govt shall ensure security for return of JSS members and their family members to normal life.
14. The govt shall declare amnesty for the members who shall deposit their arms and ammunition on the scheduled date. The govt shall withdraw the cases against whom cases have been lodged.
15. If anyone fails to deposit arms on the scheduled date the govt shall take lawful measures against him.
16. After the return of all JSS members to normal life general amnesty shall be given to them and the permanent residents who were involved in the activities of the JSS.
 - a. In order to providing rehabilitation to all returnee JSS members a lump sum of Taka 50,000/- shall be given to each family.
 - b. All the JSS members including the armed ones against whom cases have been lodged, warrant of arrest and police circular for apprehension issued and punishment has been sentenced/inflicted in the absence, after surrendering of arms and return to normal life all the cases, warrants of arrest, police circulars and punishment sentenced in the absence against them shall be exempted as soon as possible. If JSS members are detained in the jails they also shall be released.
 - c. Similarly after surrendering of arms and return to normal life no cases can be lodged, warrant issued and punishment inflicted against anyone only for the reason that he was a JSS member.
 - d. All the members of the JSS who took loans from various banks and organisations of the govt but could not utilise them properly those loans including the interests shall be exempted.
 - e. The JSS members who were posted in the services of the govt or govt institutions they shall be reinstated in their own posts and services and the JSS members and their family members shall be given appointment in accordance with their competence. In this case, the rule of the govt for relaxation of age shall be followed.
 - f. The JSS members shall be provided bank loans on easier terms and conditions to give assistance for cottage industry, horticulture etc. self-employment activities.
 - g. The children of JSS members shall be provided educational facilities and their certificates received from foreign educational Boards and institutions shall be taken as valid.
17. After signing the agreement between the government and the Jana Samhati Samiti and immediately after the return of the JSS members to normal life all the temporary camps of military, Ansar and Village Defence Party shall be taken back to permanent installations except the Border Security Force (BDR) and permanent cantonments (3 at the 3 District Hqs. and Alikadam, Ruma and Dighinala) by phases and with this in view, time limit shall be determined. In case of deterioration of law and order situation, natural calamity and such other works the army can be deployed under the civil administration like all other parts in the country as per necessary laws and rules. In this case, Regional Council may, according to necessity or time, request the proper authority for the purpose of getting assistance.
18. Permanent residents of CHT, on priority basis to the tribals, shall be appointed to all posts of officers and employees at all levels of govt, semi-govt, council offices and autonomous bodies in CHT.

Provided that in case of non-availability of qualified candidate among the permanent residents of CHT for a particular post, appointment in that post may be made on deputation from the govt for a term of certain period.
19. A ministry on Chittagong Hill Tracts Affairs shall be established by appointing a Minister from among the tribals. An Advisory Council shall be formed to assist this ministry with the persons stated below -
 1. Minister on CHT Affairs
 2. Chairman/representative, Regional Council
 3. Chairman/representative, Rangamati Hill District Council
 4. Chairman/representative, Bandarban Hill District Council
 5. Chairman/representative, Khagrachari Hill District Council
 6. Member of Parliament, Rangamati
 7. Member of Parliament, Khagrachari
 8. Member of Parliament, Bandarban
 9. Chakma Raja
 10. Bohmong Rnja
 11. Mong Raja
 12. Three members from non-tribal permanent residents of Hilly areas nominated by the government from three Hill Districts.

This agreement is framed as above in Bengali language and is done and signed in Dhaka on the date of 02 December, 1997 as per 18 *Agrahayan* 1404 Bengali year.

On behalf of the inhabitants of
Chittagong Hill Tracts

On behalf of the government of the
Peoples Republic of Bangladesh

SD/-
(Jyotirindra Bodhipriya Lama)
President
Parbattya Chattagram Jana
Samhati Samiti

SD/-
(Abul Hasanat Abdullah)
Convenor
Hill Tracts Affairs, government of
Bangladesh