

The Chittagong Hill Tracts Peace Accord of 1997

Under the framework of the Constitution of Bangladesh and keeping full and firm confidence in the sovereignty and integrity of Bangladesh, to uphold the political, social, cultural, educational and economic rights of all the people of Chittagong Hill Tracts region and to expedite socio-economic development process and to preserve and respect the rights of all the citizens of Bangladesh and their development, the National Committee on Chittagong Hill Tracts, on behalf of the government of the People's Republic of Bangladesh, and Parbatya Chattagram Jana Sanghati Samity, on behalf of the inhabitants of Chittagong Hill Tracts, have reached the following agreement in four parts (A, B, C, D):

A) (Ka) GENERAL

1. Both the sides have recognised the need for protecting the characteristics and attaining overall development of the region considering Chittagong Hill Tracts as a tribal inhabited region.
2. Both the parties have decided to formulate, change, amend and incorporate concerned acts, rules and regulations as soon as possible according to the consensus and responsibility expressed in different sections of the agreement.
3. An Implementation Committee shall be formed to monitor the implementation process of the agreement with the following members:
 - a) A member nominated by the Prime Minister: Convenor
 - b) Chairman of the Task Force formed under the purview of the agreement: Member
 - c) President of Parbatya Chattagram Jana Sanghati Samiti: Member
4. The agreement shall come into effect from the date of the signing and execution by both the sides. This agreement shall remain valid from the date of its effect until all the steps are executed as per the agreement.

B) (Kha) CHITTAGONG HILL TRACTS LOCAL GOVERNMENT COUNCIL/ HILL DISTRICT COUNCIL

Both sides have reached agreement with regard to changing, amending, incorporating and omitting the Hill District Local Government Council Acts 1989 (Rangamati Hill District Local Government Council Act 1989, Bandarban Hill District Local Government Council Act 1989, Khagrachhari Hill District Local Government Council Act 1989) and its different sections which were in existence before this agreement came into being, as below:

1. The word "tribal" used in different sections of the Council Acts shall stay.
2. The name "Hill District Local Government Council" shall be amended and the name of council shall be "Hill District Council."

3. "Non-tribal permanent residents" shall mean a person who is not a tribal but has legal land in the hill district and generally lives in the hill district at a specific address.

4. a) There shall be 3 (three) seats for women in each of the Hill District Councils. One third (1/3) of these seats shall be for non-tribals.

b) Sub-sections 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" in the second line of sub-section (5) of section 5 shall be replaced by "circle chief" and "circle chief's".

d) Following sub-section shall be added in section 4:

Whether a person is a non-tribal shall be determined, along with the identity of non-tribal community 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 regard.

5. It is narrated in section 7 that a person elected chairman or member shall make an oath or announcement before the Divisional Commissioner of Chittagong. By amendment of it there shall be incorporated that the members shall make oath or announcement before "a Justice of High Court Division" instead of "Divisional Commissioner of Chittagong".

6. The words "to Divisional Commissioner of Chittagong" will be replaced by "as per election rules" in the fourth line of section 8.

7. The words "three years" shall be replaced by "five years" in the second line of section 10.

8. There shall be a provision in section 14 that if the office of the Chairman falls vacant or 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 as mentioned below:

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

(1) he is a citizen of Bangladesh;

(2) he 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 sub-section (2) of section 25 stating that the chairman and in his absence a tribal member elected by other members shall preside over all the meetings of the council.

12. As the entire region of Khagrachhari district is not included in the Maung circle, the words "Khagrachhari Maung Chief" in section number 26 of Khagrachhari Hill District Council Act shall be replaced by the words "Maung Circle Chief and Chakma Circle

Chief.” Similarly, there shall be scope for the presence of Bomang Chief in the meeting of Rangamati Hill District Council. In the same way, there shall be provision that the Bomang Circle Chief can attend the meetings of Bandarban Hill District Council meetings if he wishes or is invited to join.

13. In sub-section (1) and sub-section (2) of section 31 there shall be a provision that a chief executive officer equivalent to the status of a deputy secretary shall be the secretary in the Council and there shall be provision that the tribal officials would be given priority for this post.

14. a) There shall be a provision in 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) Sub-section (2) of section 32 shall, by amendment, be made as follows:
The Council can, in accordance with regulations, appoint class three and class four employees, and can transfer, suspend, dismiss, remove or can impose any other punitive action on them. But provided that the priority of the tribal inhabitants must be maintained in case of the said appointments.

c) There shall be provision in the sub-section (3) of section 32 stating that:
The government can, in consultation with the Council, appoint other officers as per regulation and can transfer, suspend, dismiss, remove or can impose any other punitive action on them.

15. In sub-section (3) of section 33 “as per regulation” shall be mentioned.

16. The words “or any other way determined by the government” placed in the third line sub-section (1) of section 36 shall be omitted.

17. a) The original law shall be in force in the fourth paragraph of sub-section (1) of section 37.

b) “As per rules” will be included in Sub-section (2), sub-sub-section (d), 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 formulated and sanctioned.

19. In 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 repealing the sections 50, 51 and 52, the following section shall be made:

The government, if deemed necessary, may advise or order the Council, in order to ensure conformity with the purpose of this Act. If the government is satisfied with definite proof that anything done or intended to be done by the Council, or on behalf of the Council, is not in conformity with law, or contrary to public interest, the government may seek information and clarification and give advice or instruction to the Council on the concerned matters in writing.

22. In sub-section (3) of section 53, the words "if the period of super session is completed" shall be repealed and "within ninety days of super session" shall be incorporated 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, sub-section (1) of section 62 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 regulations; provided that in the manner of such appointment tribals shall be given priority.

b) The words "subject to 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 repealed and substituted by the words "as per rules and regulation".

25. The words "providing assistance" will remain in third line in section 63.

26. Section 64 shall be amended as follows:

a) Notwithstanding anything contained in any law for the time being in force, no land, including those land suitable for giving settlement, within the boundaries of Hill District shall be given in settlement including giving lease, purchased, sold and transferred without prior approval of the Council; provided that this provision shall not be applicable in case of areas within the reserved forests, Kaptai Hydroelectricity Project, Bethbunia Earth Satellite Station, State-owned industries and factories and lands recorded in the name of government.

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

c) The council can supervise and control functions of Headman, Chainman, Amin, Surveyor, Kanungo and Assistant Commissioner (land).

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

27. Section 65 shall be amended as follows:

Notwithstanding anything contained in any other law of 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 remain in the account of the Council.

28. By amendment of section 67 it shall be made as follows:

If deemed necessary for coordination of activities between the Council and government authorities, government or the Council shall put specific proposal on certain matter(s) and functions may be coordinated by mutual correspondence between the Council and the government.

29. By amendment of sub-section (1) it shall be made as follows:

The government in consultation with the Council can, by notification in the official gazette, make rules for carrying out the purposes of this Act and even after the rules had been made, the Council shall have special right to file petition for reconsideration of the rules.

30. a) In the first and second paragraphs of sub-section (1) of Section 69, the words "prior approval of the government" shall be omitted and the following part shall be added after the words "can do" in the third Para:

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

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

31. Section 70 shall be omitted.

32. Section 79 shall be amended as follows:

If in the opinion of the Council any law applicable to Hill District, passed by the national parliament or any other authority, is found to be hurtful to the district or objectionable to the tribal people, the Council may file petition in writing, for the purpose of amendment or relaxation of its application, to the government stating the reasons for which the law is being hurtful or objectionable and the government shall in the light of the petition, adopt necessary remedial measures.

33. a) The word "supervision" shall be added after the word "order" in the No. 1 of the functions of the Council in the First Schedule.

b) The following subjects shall be added in the No. 3 of the functions of the Council:

Vocational training;
Primary education in mother tongue;
Secondary education.

c) The words "or reserved" 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 government institutions except Pourasabha and Union Councils
- h) Licensing for local trade and business
- i) Proper utilization of water resources of rivulets, canals, ponds and irrigation except Kaptai lake
- j) Preservation of death and 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 on 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 license or lease given by the government for exploration and extraction of mineral resources
- j) Tax from business
- k) Tax from lottery
- l) Tax from fishing

C) (Ga) THE CHITTAGONG HILL TRACTS REGIONAL COUNCIL

1. A Regional Council shall be formed in coordination with the 3 Hill District Local Government Councils 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 three 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, his status shall be equivalent to that of a State Minister and he must be a tribal.

3. The Council shall be formed with 22(twenty-two) members including the Chairman. Two-thirds 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	12
Members Tribal (women)	2

Members non-tribal	6
Members non-tribal(women)	1

Among the tribal members 5 persons shall be elected from the Chakma tribe, 3 persons from the Marma tribe, 2 persons from the Tripura tribe, 1 person from the Murung and Tanchangya tribes and 1 person from the Lusai, Bawm, Pankho, Khumi, Chak and Khiyang tribes

Among the non-tribal 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. Three seats shall be reserved for women in the Council, one-third of which will be non-tribal.

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 Councils.

6. The tenure of the council shall be five years. Budget preparation and its approval, dissolution of council, formulation of council's regulation, appointment of and control over officers and employees and matters related to concerned subjects and procedures shall be similar to the subjects and procedures given in favour of and applicable for the Hill District Council.

7. A chief executive officer equivalent to the rank of a Joint Secretary of the government shall be appointed in the council and tribal candidates would be given priority in the appointment for the post.

8. a) If the office of the Chairman of the Councils falls vacant then a member from among the tribal members would be indirectly elected as Chairman by the members of Hill District Councils for an interim period.

b) If any office of a member of the Council falls vacant for any reason then that shall be filled through by-election.

9. a) The Council, including coordination of all development activities conducted under the three Hill District Councils, shall supervise and coordinate the subjects vested upon the Hill District Councils. Besides these, if any lack of coordination and inconsistency is found among the Hill District Councils in discharging their responsibilities the decision of the Regional Council shall be taken as final.

b) The Council shall supervise and coordinate local councils including the municipalities.

c) Regional Council can coordinate and supervise in the matters of general administration, law and order and development of the three Hill Districts.

d) The Council can conduct programmes related to disaster management and relief, and also coordinate the activities of the NGOs.

e) Tribal laws and social justice shall be under the jurisdiction of the Council.

f) The Council can issue license for heavy industry.

10. The Chittagong Hill Tracts Development Board shall discharge its responsibilities under general and overall supervision of the Council. In case of appointment of Chairman of the Development Board, the government shall give priority to competent tribal candidates.

11. If the Regional Council finds any rule of the 1900 CHT Regulations and other related laws, rules and ordinances as contradictory to the 1989 Hill District Council Acts, then the government shall remove that inconsistency in law according to recommendation of and in consultation with the Regional Council.

12. Until Regional Council is constituted through direct and indirect election the government may, by constituting an interim Regional Council, entrust the responsibilities of the Council on it.

13. If the government wants to formulate any law regarding CHT, it shall do so in consultation with and according to the recommendation of the Regional Council. If there arises the necessity to amend any law that may be harmful for development of the three Hill Districts or for the welfare of the tribals, or to make any new law, the Councils may file a petition or put recommendation before the government.

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 government or any other authority;
- d) Grant from any institution or individual;
- e) Profit accruing from investment by Regional Council;
- f) Any other moneys received by the Regional Council;
- g) Money received from such sources of incomes as the government may direct to be placed at the disposal of the Regional Council.

D) (Gha) REHABILITATION, GENERAL AMNESTY AND OTHER MATTERS

Both sides have reached the following position and agreement to take programmes for restoring normal situation in Chittagong Hill Tracts area and to this end on the matters of rehabilitation, general amnesty and others related issues and activities:

1. An agreement has been signed between the government 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 Jana Sanghati Samiti shall provide all kinds of possible cooperation. The Task Force shall, after determination, rehabilitate the internally displaced tribal people of three districts.

2. After signing and implementation of the agreement between the government and the Jana Sanghati Samiti, and after rehabilitation of the tribal refugees and internally displaced tribal people, the government, in consultation with the Regional Council to be formed as per this agreement, shall start cadastral survey in CHT as soon as possible and after finalization of land ownership of tribal people by settlement of land dispute through proper verification, shall record their land and ensure their land rights.

3. The government, to ensure the land rights of the tribal families which are landless or possess less than 2 acres of land, shall provide two acres of land to each such family, provided that lands are available in the locality. 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 settling disputes of lands of the rehabilitated tribal refugees, shall have full 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 shall also be applicable in case of fringe land.

5. This commission shall be set up with the following members:

- Retired justice;
- Circle chief (concerned);
- Chairman of Regional Council/representative;
- Divisional Commissioner/Additional Commissioner
- Hill District Council Chairman (concerned)

6. a) The term of the commission shall be three years. But its term can be extended in consultation with the Regional Council.

b) The Commission shall settle disputes according to the existing rules, customs and practices of Chittagong Hill Tracts.

7. The tribal refugees who received loans from the government but could not utilize them properly due to conflicting situation shall be exempted from repayment of loans and interests.

8. Allotment of lands for rubber plantation and other purposes: Settlement of land, of those non-tribals and non-locals who were given settlement of lands for rubber plantation and other purposes but had not undertake project within the past 10 years or had not utilized their lands properly, shall be cancelled.

9. The government shall allot additional funds on priority basis for implementation of increased number of projects in CHT. New projects formulated with an aim to make necessary infrastructures for facilitating development in the area shall be implemented on priority basis and the government shall provide funds for these purposes. The government shall, considering the state of environment in the region, encourage developing tourism for tourists from within the country and abroad.

10. Quota reservation and scholarships: Until development equals that of other regions of the country the government shall continue reservation of quota system in government services and educational institutions for the tribals. For this purpose, the government shall grant more scholarships for the tribal students in the educational institutions. The government shall provide necessary scholarships for research works and higher education abroad.

11. The government and the elected representatives shall be active to preserve the distinctiveness of the tribal culture and heritage. The government in order to develop the tribal cultural activities at the national level shall provide necessary patronization and assistance.

12. The Jana Samhati Samiti shall submit to the government the lists of all its 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 shall jointly 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 government shall ensure security for return of JSS members and their family members to normal life.

14. The government shall declare amnesty for the members who shall deposit their arms and ammunition on the scheduled date. The government shall withdraw the cases against whom cases have been lodged.

15. If anyone fails to deposit arms on the scheduled date the government 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 to the permanent residents who were involved in the activities of the Jana Sanghati Samiti.

a) In order to provide rehabilitation to all returnee JSS members a lump sum of Taka 50,000/- shall be given to each family.

b) All cases, warrants of arrest, held against any armed member or general member of the Jana Sanghati Samiti shall be withdrawn and punishment given after trial in absentia shall be exempted after surrender of arms and coming back to normal life as soon as possible. Any member of the Jana Sanghati Samiti in jail shall be released.

c) Similarly, after surrendering arms and coming back to normal life, no case can be filed or no punishment can be given to any person for merely being a member of the Jana Sanghati Samiti.

d) The loans obtained by the members of the Jana Sanghati Samity from different government banks or other agencies but could not be utilised owing to conflicting situation would be exempted with interest.

e) Those members of the PCJSS who were employed in various government jobs shall be absorbed in their respective posts and the eligible members of their family shall be given jobs as per their qualifications. In such cases, the government principles regarding relaxation of age would be followed.

f) Bank loans of soft terms shall be given to the members of the PCJSS for cottage industry and horticulture and other such self-employment generating activities.

g) Educational facilities shall be provided for the children of the Jana Sanghati Samity members and the certificates obtained from foreign board and educational institutions shall be considered as valid.

17. a) After signing of the agreement between the government and the Jana Sanghati 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 (three at the three District Headquarters and Alikadam, Ruma and Dighinala) by phases and with this in view, the time limit shall be determined. In case of deterioration of the law and order situation, natural calamity and such other works the army can be deployed under the civil administration like all other parts of the country as per relevant laws and rules. In this case, the Regional Council may, according to the necessity or time, request the proper authority for the purpose of getting assistance.

b) The lands of camps and cantonments to be abandoned by military or para-military forces shall be either returned to the original owners or to the Hill District Councils.

18. The permanent residents of Chittagong Hill Tracts with priority to the tribals shall be given appointment to all categories of officers and employees of all government, semi-government, councils and autonomous bodies of Chittagong Hill Tracts. In case of non-availability of eligible persons from among the permanent residents of Chittagong Hill Tracts for a particular post, the government may give appointment on lien or for a definite period to such posts.

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:

- a) Minister on CHT Affairs
- b) Chairman/representative, Regional Council;
- c) Chairman/representative, Rangamati Hill District Council;
- d) Chairman/representative, Bandarban Hill District Council;
- e) Chairman/representative, Khagrachari Hill District Council;
- f) Member of Parliament, Rangamati;
- g) Member of Parliament, Bandarban;
- h) Member of Parliament, Khagrachari;
- i) Chakma Raja;
- j) Bohmang Raja;
- k) Mong Raja;
- l) 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 A.D., 18 Agrahayan 1404 Bengali year.

On behalf of the inhabitants of
Chittagong Hill Tracts

SD/-
(Jyotirindra Bodhipriya Larma)
President
Parbattya Chattagram Jana
Sanghati Samiti

On behalf of the government of the
Peoples Republic of Bangladesh

SD/-
(Abul Hasanat Abdullah)
Convenor
National Committee on Chittagong Hill Tracts Affairs,
Government of Bangladesh