

# Text of CHT Peace Agreement

Following is the English rendering of the peace agreement signed between the National Committee on Chittagong Hill Tracts Affairs, formed by the government of Bangladesh, and Parbatya Chattagram Jana Sanghati Samity, reports BSS.

Keeping full and unwavering allegiance in Bangladesh's state sovereignty and territorial integrity in Bangladesh's Chittagong Hill Tracts region under the jurisdiction 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 Parbatya Chattagram Jana Sanghati Samity, on behalf of the inhabitants of Chittagong Hill Tracts, reached the following agreement in four parts (namely: Ka, Kha, Ga, Gha) to uphold the political, social, cultural, educational and economic rights of all the people of Chittagong Hill Tracts region, to expedite socio-economic development process and to preserve respective rights of all the citizens of Bangladesh and their development.

(Ka) General:

1. Both the sides recognised the need for protecting the characteristics and attaining overall development of the region consisting Chittagong Hill Tracts as a tribal inhabited region.

2. Both the parties have decided to formulate, change, amend and incorporate concerned acts, regulations and practices as soon as possible in keeping with the consensus and responsibility expressed in different sections of the agreement.

3. An implementation committee will be formed to monitor the implementation process of the agreement with the following members:

Ka) A member nominated by the Prime Minister; Convenor

Kha) Chairman of the task-force formed under the purview of the agreement; member

Ga) President of Parbatya Chattagram Jana Sanghati Samity; member

4. The agreement will come into effect from the date of its signing and execution by both the sides. This agreement will be valid from the date of its effect until all the steps are executed as per the agreement.

(Kha) Chittagong Hill Tracts Local Government Council/Hill District Council.

Both the sides have reached agreement with regard to changing, amending, incorporating and writing off the existing Parbatya Zila Shantia Sarkar Parishad Ain 1989 (Rangamati Parbatya Zila Shantia Sarkar Parishad Ain 1989, Bandarban Parbatya Zila Shantia Sarkar Parishad Ain 1989, Khagrachhari Parbatya Zila Shantia Sarkar Parishad Ain 1989) and its different clauses before this agreement comes into force.

1. The word 'tribal' used in different clauses of the Parishad Ain will stay.

2. The name 'Parbatya Zila Shantia Sarkar Parishad' will be amended and the name of parishad will be 'Parbatya Zila Parishad'.

3. 'Non-tribal permanent residents' will mean those who are not a tribal but have legal lands and generally live in hill districts at specific addresses.

4. Ka) There will be 3 (three) seats for women in each of the Parbatya Zila Parishad. One third (1/3) of these seats will be for non-tribals.

Kha) 1, 2, 3 and 4 sub-clauses of clause 4 will remain in force as per the original Ain.

Ga) The words 'deputy commissioner' and 'deputy commissioner' in the second line of sub-clause (5) of clause 4 will be replaced by 'circle chief' and 'circle chiefs'.

Gha) The following sub-clause will be incorporated in the clause 4 — 'The concerned circle office will ascertain whether a person is non-tribal or not on the basis of submission of certificate given by concerned mouza headman/union parishad chairman/pourashabha chairman and no non-tribal person can become the non-tribal candidate without the certificate received from the circle officer regarding this.'

5. In the clause 7 it has been stated that the chairman or any other elected member will have to take oath or give declaration before Chittagong Divisional Commissioner before taking office. Amending this in place of 'Chittagong Divisional Commissioner', the members will take oath or give declaration before 'any High Court Division Judge'.

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

7. The words 'three years' will be replaced by 'five years' in the second line of clause 10.

8. In clause number 14 there will be provision that a tribal member elected by other members of the Parishad will chair and discharge other responsibilities if the post of chairman falls vacant or in his absence.

9. The existing clause number 17 will be replaced by the following sentences: 'A person will be considered eligible to be enlisted in the voters list if he/she (1) is a Bangladeshi citizen (2) he/she is not below the 18 years (3) appropriate court has not declared him mentally sick (4) he/she is a permanent resident of hill district.'

10. In sub-clause 2 of clause number 20 the words 'delimitations of constituencies' will be incorporated independently.

11. In sub-clause 2 of clause 25 there will be a provision that the chairman of all the meetings of the Parishad or a tribal member elected by other members of the Parishad will chair

meetings and discharge other responsibilities if the post of chairman falls vacant or in his absence.

12. As the entire region of Khagrachhari district is not included in the Mong circle, the words 'Khagrachhari Mong Chief' in clause number 26 of Khagrachhari Parbatya Zila Shantia Sarkar Parishad Ain will be replaced by the words 'Mong circle chief and Chakma circle chief'. Similarly, there will be scope for the presence of Bomang chief in the meetings of Rangamati Parbatya Zila Parishad. In the same way, there will be provision that the Bomang circle chief can attend the meetings of Bandarban Parbatya Zila Parishad meetings if he wishes or invited to join.

13. In sub-clause (1) and sub-clause (2) of clause 31 there will be a provision that a chief executive officer of the status of a deputy secretary will be there as secretary in a Parishad and the tribal officials will get priority in this post.

14. Ka) In sub-clause (1) of clause 32 there will be a provision that the Parishad will be able to create new posts for different classes of officers and employees for properly conducting the activities of the Parishad.

Kha) The sub-clause 2 of clause 32 will be amended as follows: 'The Parishad can, according to rules, recruit class three and four employees and can transfer, suspend, terminate or given any other punishment. But condition would be that in case of such appointments the tribal residents of the district will be given priority.'

Ga) As per sub-clause (3) of clause 32, the government, in consultation with the Parishad, may appoint officers for the other posts and there will be legal provision to removed, suspend or terminate or penalise officers as per the government rules.

15. 'As per rules' will be mentioned in Sub-clause (3) of Rule 33.

16. In the third line of Sub-clause (1) of Rule 36, the words 'or in any way devised by the government' will be deleted.

17. Ka) The principal clause of the 'fourth' of Sub-clause (One) of Clause 37 will be valid.

Kha) 'As per rules' will be included in Sub-clause (2), Gha, of Rule 37.

18. Sub-clause (3) of clause 38, will be cancelled and sub-clause (4) will be amended in conformity with the following text, 'a new budget can be prepared and approved, if needed, at any time, before the completion of the previous financial year.'

19. Rules 42 will incorporate the following sub-clause: 'The parishad, with the allocated money from the government, will receive, initiate or implement any development project in the transferred subjects and all national-level development programmes will be implemented through the parishad by the concerned ministries/divisions/organisations.'

20. The word 'Parishad' will replace the word 'government' in the second line of sub-clause (2) of Rule 45.

21. Rules 50, 51, and 52 will be repealed and following clauses will be introduced:

'If needed, the government will give advice or regulatory directives for streamlining the Parishad activities with the objectives of the aforesaid rules.'

'The government, if the government receives any hard evidence that any activity or proposed activity of the Parishad is violating the aforesaid rules or is inconsistent with it, will have the authority to ask for written information along with explanation. The government will also have the authority to give advice or directives in this regard.'

22. 'Within 90 days of abolition of the Parishad' shall be read in place of 'after the expiry of defunct period' before the words 'the act' under clause 53 sub-clause (3).

23. The word 'government' will be replaced by the word 'ministry' in the third and fourth lines in clause 61.

24. A sub-clause (1) in clause 62 will be replaced by the following:

Whatever be the provisions in the currently prevailing laws, hill districts police sub-inspector and below shall be appointed by the Parishad as per the prescribed rules and the Parishad will transfer, and take action against them as per the prescribed rules.

However, the condition will be that tribals of the district will get preference in case of this appointment.

25. The words 'supports will be provided' will remain in third line in clause 63.

26. Clause 64 will be amended as follows:

a) Whatever exists in the currently prevailing laws, without prior permission of the parishad, no lands, including leaseable khas lands in the district, can be leased out, sold, purchased or transferred.

However, it will not be applicable in case of the reserved forest, Kaptai Hydroelectricity Project area, Betubunia Satellite Station area, state-owned industrial enterprises and lands recorded in the name of the government.

b) Whatever exists in the currently prevailing other laws, the government cannot acquire or transfer any lands, hills and forests under the jurisdictions of the Hill District Parishad without prior discussion and approval of the Parishad.

Ga) The Parishad may supervise or control the work of headman, chairman, amin, surveyors, kanojo and assistant commissioners (land).

Gha) The fringe land of Kaptai lake will be leased out on priority basis to their original

owners.

27. Clause 65 will be amended to formulate the following: 'For the time being, whatever law is in force, the land development tax of the district will be in the hand of the Parishad and the tax to be collected on that account will be in the fund of the Parishad.'

28. Clause 67 will be amended to formulate the following: 'Parishad and the government will raise specific proposals if it is necessary for the coordination of the Parishad and the government, and coordination of work will be done through mutual consultations.'

29. Sub-clause (1) of Clause 68 will be amended to formulate the following sub-clause:

With a view to fulfilling the objectives of this law, the government will be able to prepare rules after discussion with the Parishad through gazette notification. Even after the formulation of any rule, the Parishad will have the right to appeal to the government for re-consideration of such rules.

30. Ka) In the first and second paragraphs of sub-clause (1) of Clause 69, the words 'prior approval of the government' will be dropped and following part will be added after the words 'should be done' in the third part.

It is conditional that if the government disagrees with any part of the provision formulated then the government will be able to provide suggestions or directives regarding the provision.

Kha) In the (Ja) of sub-clause (2) of Clause 69 the words 'the power of the chairman will be given to any officers of the parishad' will be dropped.

31. Clause 70 will be deleted.

32. Clause 79 will be amended to formulate the following section:

The Parishad will be able to make written appeal to the government in case it feels that a law passed by the Jatiya Sangsad or any other authority is difficult for the district or objectionable for the tribals after stating the reasons of the difficulty or objection and the government may take appropriate steps for redressal as per the appeal.

33. Ka) The word supervision will be added after 'discipline' in the schedule number one on the activities of the Parishad.

Kha) The activities of the Parishad mentioned in number three will be added with the following:

(1) Vocational education, (2) Primary education in mother tongue (3) Secondary education.

Ga) The words 'reserved' or will be dropped from the first schedule of the activities of Parishad and sub-clause 6 (Kha).

34. The following subjects will be included in the functions and responsibilities of the hill district parishads:

(Ka) Land and land management, (Kha) Police (local), (Ga) Tribal law and social justice, (Gha) Youth welfare, (Uma) Environmental protection and development, (Chha) Local tourism, (Chha) Improvement trust and other local government institutions. Barring paushava and union parishads, (Jha) Issue of licence to local industries and business, barring Kaptai water resources, proper use and irrigation of other rivers and canals and beels, (Jha) Preservation of statistics of birth and deaths, (Ta) Business transactions and

(Tha) Jum cultivation.

35. The following subjects and sources will be included for imposition of taxes, rate, toll and fees by the Parishad stated in the second schedule:

(Ka) Registration fee of manual vehicles, (Kha) Tax on buying and selling of commodities, (Ga) Holding tax on land and buildings, (Gha) Tax on domestic animals, (Uma) Fees of social judgement, (Chha) Holding tax on government and non-government industries, (Chha) A portion of royalty on forest resources, (Ja) Supplementary tax on cinema, jatra and circus, (Jha) Partial royalty of contracts by government for search and exploration of mineral resources, (Neo) Tax on business, (Ta) Tax on Lottery, (Tha) Tax on catching fish.

(Ga) Hill tracts regional parishad

1. A regional council will be formed combining the three hill districts local government parishad through amending some clause of three hill districts Local Government Parishad Act 1989 with a view to strengthening and making them effective.

2. Chairman of the parishad will be indirectly elected by the elected members of the parishad. The chairman will enjoy the status of a state minister and must be a tribal.

3. The parishad will consist of 22 members, including its chairman. Two-thirds of the members will be elected from the tribals.

Following is the structure of the parishad:

Chairman, one, Member (tribal) male 12, Member (tribal) female 2, Member (non-tribal) 6, Member (non-tribal) female one.

Among the total male tribal members, five will be elected from the Chakma tribe, three from Marma, two from Tripura and one from Morang and Tanchowga.

Two persons will be elected from every district from the non-tribal male members. In the case of non-tribal female members, one from the Chakma tribe and one from the other tribes will be elected.

4. Three seats will be reserved from women in the council of which one-third will be non-tribal.

5. The members of the council will be elected indirectly by the elected members of the three hill district councils. Chairman of the three hill districts will be the ex-officio members of the council and they will have the voting right. The eligibility and non-eligibility of the candidates for the membership of the council will be similar to that of the members of the Hill District Council.

6. The tenure of the council will 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 subject and procedures will be similar to the subjects and procedures given in favour of and applicable for the Hill District Council.

7. A principal executive officer equivalent to the Joint Secretary of the government will be appointed in the council and tribal candidates will be given preference in the appointment of the post.

8. A) If the chairman's post of the council remains vacant, a chairman will be elected indirectly from the other tribal members of the council by the members of the three hill district councils for an interim period.

10. An agreement was signed between the government and the tribal refugee leaders on March 9, 1997 at Agartala of

Tripura state on bringing back the tribal refugees staying in the state of Tripura. Under this agreement, repatriation of tribal refugees began on March 28, 1997. This process will continue and the leaders of the PCJSS will extend all possible cooperation in this regard. The internal refugees of the three hill districts will be rehabilitated through their proper identification by a task force.

2. The land record and right of possession of the tribal people will be ascertained after finalisation of the ownership of land of the tribal people. And to achieve this end, the government will start land survey in Chittagong Hill Tracts and resolve all disputes relating to land through proper scrutiny and verification in consultation with the regional councils to be formed under this agreement. These steps will be taken soon after signing and implementation of this agreement between the government and the PCJSS and rehabilitation of the tribal refugees and internal tribal refugees.

3. The government will ensure leasing two acres of land in the respective locality subject to availability of land of the landless tribals or the tribals having less than two acres of land per family. However, govt. land can be allotted in case of non-availability of necessary lands.

4. A commission (land commission) will be constituted under a retired judge for the disposal of all disputes relating to lands. Besides settlement of the land disputes of the rehabilitated tribal, this commission will have full power to annul all rights of ownership on land and hills which have so far been given illegal settlements or encroached illegally. No appeal can be made against the verdict of this commission and the decision of this commission will be treated as final. This will be implied in case of fringe land.

5. This commission will be constituted with the following members:

Ka) Retired judge: Circle chief

Ga) Chairman representative of the regional council

Gha) Divisional commissioner/additional commissioner

Uma) Chairman of the district council (concerned).

6. Ka) The tenure of the commission will be of three years. But the tenure can be extended in consultations with the regional council.

Kha) The commission will resolve disputes on the basis of existing laws, customs and systems of Chittagong Hill Tracts.

7. The loans, which were obtained by rehabilitated tribals from government agencies but could not properly utilised owing to conflicting situation, will be exempted with full interest.

8. Rubber plantation and allotment of other lands: The allotments of lands to non-tribals and non-residents for rubber cultivation and other purposes but not yet utilised the lands for the projects properly during the last ten years will be cancelled.

9. The government will allocate additional finance on priority basis for taking up maximum number of projects to develop Chittagong Hill Tracts. Projects will be implemented on priority basis for construction of infrastructure for the development of the region and the government will allocate necessary funds for this purpose. The government will encourage development of tourism for local and foreign tourists, taking into consideration the environmental aspect of the region.

10. Reservation of quota and allocation of scholarships: The government will continue the quota system for the tribals in case of government jobs and higher education till they reach at par with the people of other regions of the country. With this aim in view the government will provide more scholarships for tribal boys/girls in educational institutions. The government will provide necessary scholarships for taking education abroad and research pursuit.

11. The government and the elected representatives will be active to preserve the distinctiveness of the tribal culture and ensure all kinds of security for the members of the PCJSS and their families for coming back to normal life after declaring the day, date and place for depositing arms by the listed members of the PCJSS.

12. The PCJSS will submit to the government within 45 days of signing of this agreement the full list of its armed members and description and accounts of all arms and weapons under its control and possession.

13. The government and the PCJSS will jointly decide the day, date and place for depositing arms by the PCJSS within 45 days of signing of this agreement. The government will ensure all kinds of security for the members of the PCJSS and their families for coming back to normal life after declaring the day, date and place for depositing arms by the listed members of the PCJSS.

14. The government will declare amnesty for those members who will deposit arms and ammunition on the scheduled date. The government will withdraw cases lodged earlier against those persons.

15. The government will take legal action against those who will not deposit arms and ammunition within the stipulated time.

16. General amnesty will be given to all PCJSS members after they return to normal life and this amnesty will also be given to all the permanent residents who were connected with the PCJSS activities.

Ka) Each family of the repatriated members of the PCJSS will be given Taka 50,000 in cash at a time for their rehabilitation.

Kha) All cases, warrants of arrest, hulla against any armed member or general member of the PCJSS will be withdrawn and punishment given after trial in absentia will be exempted after surrender of arms and coming back to normal life as soon as possible. The members of the PCJSS, if they are in jail, will be released.

Ga) Similarly, no cases will be filed or no punishment be given to any person for mere being the members of the PCJSS after surrendering arms and coming back to normal life.

Gha) The loans obtained by the members of the PCJSS from any government banks or other agencies but could not be utilised owing to conflicting situation would be exempted with interest.

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