

**INDIVIDUAL ASSIGNMENT**

**MODULE -5**

**SEMINAR PAPER**

**ON**

**Assessing the institutional capacity of Chittagong Hill Tracts  
Regional Council**

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## **Executive Summary**

Chittagong Hill Tracts Regional Council (CHTRC) was formulated by the CHTRC Act, 1998 as a condition of the CHT Accord 1997 to expedite the socio-economic development process and to uphold the political, administrative, social, educational, cultural, and economic rights of the people of CHTs particularly the tribal peoples of this region. It is entrusted with different functions generally to coordinate and supervise the activities of three Hill District Councils (HDCs), CHT Development Board, local Govt. institutions, etc. Other than these functions, CHTRC is also entrusted to deal with the matters of general administration, law and order, NGOs, traditional culture, giving license to local heavy industry, and to manage disaster and relief program. However, to date, CHTRC cannot be fully functional due to lack of coordination amongst CHT institutions and pending amendment of existing related laws, rules, regulations, or order which are inconsistent with CHTRC Act and HDC Acts. The Ministry of Chittagong Hill Tracts Affairs was introduced in 1998 as a condition of the CHT Accord to deal with the matters of CHT and provide support to the CHT institutions under its Allocation of Business. The CHT Accord recognizes the prerogative to consult the HDCs and ensure the advice of CHTRC before enactment of any law for enforcement in CHT. The study aims at assessing the institutional capacity of CHTRC in the context of its organizational, financial, and legal context so that challenges and weaknesses it faces to be functional can be identified and duly addressed. The existing contradictory laws, rules, and regulations should be harmonized in accordance with the CHTRC Act and three HDC Acts so that there is no overlapping which otherwise negatively affect the smooth functioning of the special administrative system introduced after the CHT Accord. CHTRC also should try to improve its relationship with key stakeholders by building trust and offering good governance in exercising its roles and responsibility to provide better service to the people of CHT.

# Assessing the institutional capacity of Chittagong Hill Tracts Regional Council

## 1. Introduction:

**1.1 Background:** Chittagong Hill Tracts Regional Council (CHTRC) was set upon 27<sup>th</sup> May 1999 under the Chittagong Hill Tracts Regional Council Act, 1998 (Act 12 of 1998). The formation of CHTRC is one of the important provisions of the CHT Accord popularly known as “the Peace Accord 1997” (CHTRC, 2010; Chakma, 2019). The preamble of the Act said that as part of the implementation of the CHT Accord, it is expedient and necessary to set up a Regional Council mainly to coordinate and supervise the functions of three hill district councils such as Rangamati, Khagrachari, and Bandarban Hill District Councils (CHTRC, 2010). Section 22 of the Act describes the functions of the CHTRC which areas follows: “a) Overall supervision and coordination of all development activities under the hill district councils and all other matters relating under its jurisdiction; b) Supervision and coordination of the local councils including the municipalities; c) Overall supervision and coordination of Chittagong Hill Tracts Development Board (CHTDB); d) Supervision and coordination of the general administration of hill districts, law and order, and development; e) Supervision and coordination of tribal customary laws, social justice, issuing a license for setting up of heavy industries in the hill districts in consistence with the national industrial policy; g) Disaster management and relief work and coordination of NGO activities” (CHTRC Act, 1998). However, the CHT Regional Council is not fully functional in performing it's assigned roles and responsibilities (Chowdhury, 2002; Roy et al, 2004; Rahman, 2009). The Regional Council was set up following the CHT Accord, hence it signifies the aspirations and hopes of all communities in CHT for peace and stability in this region (CHTRC, 2010). The extent to which the Regional Council is able to implement its mandate and deliver its roles and responsibilities to the people of CHT is also an indication of the extent to which the CHT accord is being implemented and upheld (CHTRC, 2010). The institutional capacity reflects and indicates organizational efficiency. Therefore, it is necessary to evaluate the strength and weakness of the institutional capacity of CHTRC to carry out its functions accordingly after 21 years of its formation in terms of delivering its assigned role and responsibilities.

### **1.2 Problem definition:**

There is a gap between the functions entrusted upon the CHTRC through the CHTRC Act, 1998 and its performance and institutional capacity to execute its function. In the case of CHTRC, both internal (organizational and financial) and external (legal and policy framework) aspects of institutional capacity should be assessed and it is necessary to identify the gap in respect of its functional performance. A few studies were carried out on this critical issue. Therefore, the study will focus on what are the factors that cause the CHTRC to remain dysfunctional and identify the challenges. To optimize CHTRC's institutional capacity what needs to be done further and who can play a big role in optimizing its institutional capacity.

### **1.3 Rationale/Justification:**

CHTRC is not fully functional to perform its role and responsibility as entrusted by the CHTRC Act, 1998. To make it functional for better service delivery, its institutional capacity should be strengthened. It is necessary to bridge the gap in the coordination role of CHTRC. It is also important to reduce ambiguity in understanding amongst the key role player including the CHT institutions, for example, HDCs, other local govt institutions, CHT ministry, and other relevant actors. The organization as a whole and the general people of CHT will be benefitted from the study by CHTRC being able to perform its functions properly. So, policy intervention is needed to reduce the gap between key actors. It might provide a research base for many academicians, university students to study on the new form of local governance mechanism in CHT which is set up in compliance with the CHT Peace Accord 1997.

### **2. Objectives:**

- To assess the present status of the institutional capacity of CHTRC;
- To identify the barrier or challenges for the organization to be more efficient and effective;
- To recommend what needs to be done/way forward for the policymaker, concerned ministries, and organization itself.

## **2.1 Research Question:**

The formation of CHTRC has opened a great hope and opportunity for the sustainable development of the CHT region as well as its people. Now, the question arises whether CHTRC can perform its functions properly as entrusted by the Act. Whether the institutional capacity in terms of organizational, financial, legal, and policy context is enough to perform its entrusted functions properly? What are the challenges CHTRC is facing now? To get the answer to these questions it is necessary to assess the present status of the institutional capacity of CHTRC. If we want to understand the institutional capacity of an organization like CHTRC, examining its legal and policy framework and financial, organizational capacity are vital. The study will try to focus on the following issues:

**Firstly**, whether existing provisions of CHTRC are enough to play a proper role entrusted by the CHTRC Act (Institutional capacity in the context of organizational and financial)?

**Secondly**, what functions of CHTRC is fully functional? Amongst these what are not (Institutional capacity in the context of legal and policy framework)?

**Thirdly**, what should be done to fill up the gap (Way forward/ Recommendations)?

## **3. Brief Overview on the CHT, CHT Accord, and CHT specific Institutions:**

The Chittagong Hill Tracts situated at the South-East corner of the country comprises a total area of 5,093 sq miles (13,189 sq km). It possesses a unique scenario from the other part of the country in respect of ethnicity, historical and geographical perspective, inhabited by 11 ethnic groups or tribal community, such as Chakma, Marma, Tripura, Tangchagya, Mro (Murung), Khumi, Chak, Khyang, Bawm, Punkhua, and Lushai. It has been administered in a different approach from time immemorial. During the Mughal period, the Chakma kings ruled the region independently. British India annexed the Chittagong Hill Tracts declaring a district in 1860. The British Govt enacted the CHT Regulations, 1900 and declared it as an Excluded Area under the Government of India Act, 1935 to exclude it from political reforms under the said Act. In 1962,

nine different functions of CHTRC. The study aims to identify and improve the external and internal institutional capacity of CHTRC in the context of financial, administrative, legal, and policy framework.

#### **4. Methodology of the study:**

Data were collected from 1<sup>st</sup> to 5<sup>th</sup> of December 2020 from CHTRC, Head Office -Rangamati. During this time CHT was observing the 23<sup>rd</sup> anniversary of the signing of the CHT Accord on 2<sup>nd</sup> December, 2020. On that very occasion, CHTRC has organized a formal discussion meeting inviting representatives from civil society, NGOs, and print media alongwith its Members(councilors), officers, and staffs. So, it was easy to capture the deliberations of speakers on the present status of CHTRC evaluating its contribution to fulfilling the provision of the CHT Accord. To summarize, the study is based on primary data through interviews with the key informant such as the Chairman, Member of CHTRC, focus group discussion with CHTRC members,officials, staffs, NGOs, and service receivers. Collection of secondary information was from legal documents, official reports and correspondence, newspapers,books, and articles,etc. A semi-structured questionnaire was developed for data collection.

#### **4.1 Sample of a semi-structured questionnaire:**

- 1. Do you think CHTRC has the adequate institutional capacity to perform its functions?**

**Yes/No/ Not sure**

- 2. Among the financial and organizational institutional capacity, what do you think is the most necessary? why?**

- 3. Do you think it is necessary to increase manpower in the organogram? What category?**

- 4. Do you think CHTRC is functional or effective in the context of its entrusted functions?**

**Fully/Partially/Not at all**

- 5. Among all the functions what functions CHTRC can perform most and to what extent?**

- 6. What are the functions stated in section 22 that is not totally in place?**

**Response: ( a ) ( b ) ( c ) ( d ) ( e ) ( f ) ( g ) ( h )**

- 7 Among the functions,what functions do you think most important?**

- 8 Does it rely on other CHT institutions, MoCHTA, and others to be functional? To what extent? mention the name.**

- 9 What are the barriers to implement its functions?**

**4.2 Scope and limitation of the study:** The limited time to consult and collect information from other CHT institutions like HDCs, CHTDB, MoCHTA was not possible. Only CHTRC has been consulted. Moreover, limitations of secondary resources available to this study did not allow me to undertake in-depth research on the topic.

## **5. Result and Discussion:**

Based on the research question, a questionnaire was prepared. Some questions require descriptive answers, some require a simple answer. Respondents were selected from Members, officers, and staffs of CHTRC, NGOs, and civil society representatives comprising a total number of 25. The findings of the study are shared below:

(Q.1) Around 70% respondents think that CHTRC does not have institutional capacity, 20% thinks it has and 10% are not sure respectively.

(Q.2) 20 out of 25 (80%) respondents identified organizational capacity is more necessary than financial capacity.

(Q.3) 100% of the respondents expressed a demand for an increase of manpower in the organogram. CHTRC faces a serious shortage of officers and technical staff mainly IT-related staff. To comply with the APA, GRS system, the workload has been increased manifold which requires IT support. To improve organizational efficiency, training on IT and service innovation has been highly appreciated by the staffs and officers.

(Q.4) All the respondents think that CHTRC is partially functional in the context of its entrusted functions mentioned in the CHTRC Act, 1998.

(Q.5) Among all the functions 90% of participants mentioned NGOs and social justice functions are performed by CHTRC in a very highly satisfactory manner. The service receiver especially NGO express that they get one-stop service in a very transparent manner.

(Q.6) 100% of the participants responded that functions related to (d) general administration, law and order is very nominal and (f) issuing license for heavy industry is not in place.

(Q.7) 100% of respondents identify the supervision and coordination of three HDCs is the most important function. As the transferred subjects are dealt with by HDCs, CHTRC can have a large coverage of contribution in policy-related advice and persuade pro-people service by HDCs.

(Q.8) 80% of the respondents believe that CHTRC should have a healthy and balanced relationship with other CHT institutions and MoCHTA and other key actors in CHT to be most effective. The relevant legal and policy framework should be established and strengthened by discussion and mutual trust.

(Q.9) The main barriers of CHTRC to be functional were mentioned by the Key Informants.

The study reveals that CHTRC has some institutional capacity in its organizational and financial aspects which can be depicted quantitatively. It can also provide some service to the NGO and to the citizen as entrusted in the Act. The legal aspect of institutional capacity, considering the entrusted functions of CHTRC, needs to be strengthened so that it can enhance its coordination and supervisory role. Different aspects of institutional capacity that are identified by the study have been described below:

**A. Organizational capacity (CHTRC composition, manpower and it's Organogram ):**

CHTRC is an autonomous institution consists of a Chairman and 21 members with the three Chairmen of the HDCs as ex-officio members of the Regional Council composing of 25 members. The Chairman of the Regional Council holds the status of a State Minister to the Government. The 21 members ensure comparative representation of various ethnic communities such as Chakma, Marma, Tripura, and other tribal or ethnic communities including seats reserved for women representatives and one-third representative from permanent Bangalee as per the provision of the CHT Accord. As there is no election held in HDCs after the signing of the Accord, the interim CHTRC made its debut on 27<sup>th</sup> May 1999.

CHTRC has an approved Organogram consisting of altogether 69 officers and staffs of different grade. There is a Chief Executive Officer (equivalent to Joint Secretary), 2 Executive Officers (equivalent to Deputy Secretary), 4 Assistant Executive Officers (equivalent to Assistant Secretary and above) to fill up the positions of 4 main sections of CHTRC. There are also approved posts for a PS to Chairman, APS to Chairman, Public Relation Officer, Planning Officer, Account Officer with other staffs. But till today most of the officer's post remains

vacant which may be considered as a cause for the CHTRC being non-functional.

CHTRC is included in the Annual Performance Agreement (APA) signed between MoCHTA and CHTRC from the year 2016. While performing its mandated activities, it suffers from a lack of technical staff. It is mandatory to perform some targeted activities under a new mode of citizen-oriented services such as e-filing, website development with regular updates and synchronization. Digital Bangladesh needs RTI, GRS, NIS and Service Innovation, etc in place. Moreover, CHTRC has the mandate to coordinate and supervise the development projects implemented by CHT institutions like HDCs, CHTDBs, projects of NGOs, and development partners. Most respondents expressed the necessity of technical support staff.

CHTRC has sent its proposal to MoCHTA comprising of 25 new staffs to incorporate composing a total of 96 staffs so that it can cope with the new demand to fulfill the modality of digital service as well as organizational efficiency.

#### **B. Financial capacity of CHTRC in light with its budget allocation and others:**

The government allocates the Annual Budget to CHTRC. The allocation of the annual budget necessitates the approval of MoF after it is duly processed by the MoCHTA. CHTRC prepares its annual budget before the beginning of every fiscal year and sends it to MoCHTA for processing. Section-35 of the CHTRC Act, 1998 confers CHTRC with the provision of preparation and approval of its Annual Budget based on likely Income and Expenditure before the beginning of every financial year. The broad head of expenditure are namely the salary of officers and staff, allowance, expenditure for goods & services, office rent, logistics, and IT equipment, etc. The annual budget and expenditure for the last five years have been shown in the table below:

**Table 1: Budget Allocation & Expenditure of CHTRC (according to Last Five Financial Years) (CHTRC official Source)**

#### **BDT in Lac**

| Sl. No. | Financial Year | Budget Allocation<br>(BDT in Lac) | Expenditure<br>(BDT in Lac) | Refund to<br>Government (BDT in<br>Lac) |
|---------|----------------|-----------------------------------|-----------------------------|-----------------------------------------|
| 01.     | 2015-2016      | 417.00                            | 403.00                      | 14.00                                   |
| 02.     | 2016-2017      | 4,88.00                           | 477.00                      | 11.00                                   |
| 03.     | 2017-2018      | 535.65                            | 489.16                      | 46.49                                   |
| 04.     | 2018-2019      | 5,86.70                           | 506.49                      | 80.21                                   |
| 05.     | 2019-2020      | 653.65                            | 525.27                      | 128.38                                  |

The council can also create a special fund from the following sources under section 32 of CHTRC Act,1998 such as “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 the direction of the government.” CHTRC has formed the special fund naming CHTRC special fund, the contribution of three HDCs (10% of their total yearly income) are not available on regular basis. Both the annual budget and special fund are being audited regularly by the govt. audit authority. CHTRC receives some allocation from MoCHTA under “apodkalin o bisesh prokolpo kormosuchi” but not in a regular manner.

#### **C. Functions of CHTRC (section 22) and Assessment of its effectiveness:**

The main role and responsibility of CHTRC is to perform its functions. After 21 years of its formation, the common perception about CHTRC is it is non-functional (Adnan &Dastidar, 2011; Roy, 2016; PCJSS,2019). The opinion of key informants regarding the most critical factors affecting the efficiency of CHTRC’s function was summarized. The respondents are the CHTRC Chairman and some of its Members. Secondary data or information were collected from the official document regarding correspondence of CHTRC with MoCHTA and other relevant Ministries, newspapers, etc.

##### **a) The council shall coordinate all the development activities carried out by three Hill District Councils and shall also supervise and coordinate all affairs assigned to the three Hill District Councils.**

Supervision and coordination of three Hill District Councils could not be carried out by CHTRC till today due to lack of Rules of Business and to some extent non-cooperation of HDCs. The rules of bussiness of three HDC which was drafted by CHTRC was sent to MoCHTA which is kept pending.

**b) The council shall coordinate and supervise the local councils, including the municipalities.**

There is no administrative relation of CHTRC and HDCs with the local government offices. It requires Pourashava, Union Parishad, Upazila Parishad Acts to be amended that are in consistence with the CHTRC Act and three HDC Acts to avoid duplication of functions.

**c) Overall supervision and coordination of the Chittagong Hill Tracts Development Board (CHTDB).**

CHTDB conducts its overall development programs under CHTDB Act, 2014 which has been enacted by replacing the CHTDB Ordinance, 1976. This Act has incorporated many provisions, which are contradictory with HDC Acts and CHTRC Act, so, CHTRC does not have any supervisory role on CHTDB in practical.

**d) Supervision and Coordination of the General Administration of the Hill Districts, Law & Order and Development.**

Deputy Commissioners (DC), Police Superintendents (SPs), Upazilla Nirbahi Officers supervise and coordinate the law and order and general administration in the CHT. The DCs and SPs in the three hill districts are exercising all powers relating to the general administration, law and order of the districts as before in accordance with the CHT Regulation, 1900. Moreover, the "Operation Uttoron" (Operation Upliftment) opened up an access for military involvement in the civil administration and law and order. Thus, CHTRC cannot play any role until Police (Local) and General Administration subjects are transferred to HDCs and the CHTRC.

**e) Supervision and Coordination of tribal traditions, practices, and social justice:**

CHTRC also deals with tribal traditions, practices, and social justice-related matters if it receives the application. The Circle Chiefs and headmen generally deal with the matters of tribal family law and other customary issues to ensure the traditional justice system. They are also involved in the land management process that is carried out by district administration under the 1900 regulation though Land and Land management is the subject of HDCs which has not been transferred yet.

**f) Issuing licenses for setting up of heavy industries in the Hill Districts in keeping pace with the National Industrial Policy:**

With regard to running and administering the Rayon Mill and Paper Mills at Chandraghona, the CHTRC is being ignored. Even in the case of pumping out natural gas at Simutang Gas Field in Manikchari, there has been held no consultation with CHTRC (PCJSS, 2019). CHTRC has formulated a draft “Probidhanmala for setting up of heavy industries in CHT region, 2018” to regulate the function properly and sent it for opinion or advice of MoCHTA remains pending.

**g) The CHTRC can carry out disaster management and relief work.**

The Disaster and Relief work subject is not transferred to CHTRC. In practice, this responsibility has been left with the Deputy Commissioners. As per Section 22, the CHTRC Act, it can carry out disaster management and relief program. So, the Ministry of Disaster Management and Relief should transfer the subject to CHTRC.

**h) Coordination of the activities of non-governmental organizations (NGOs):**

CHTRC is exercising the issuance of No Objection Certificate (NOC) or objection for the NGO activities carried out in CHT. If any national or international NGO wants to work in CHT, they should obtain the NOC from CHTRC according to the circular “Code of Conducts to be followed by the foreign NGOs working in Bangladesh and Bangladeshi NGOs supported by the foreign fund” issued in 2012 by NGO Affairs Bureau. Generally, when the NGO applies for approval to the NGO Affairs Bureau by submitting FD6, the Bureau sends it to MoCHTA if the working area covers CHT. Then, MoCHTA may send it to CHTRC to have its comment on objection or permission of the project. After that, the NGO Affairs Bureau gives the final approval. So, CHTRC has been kept in the process of approval of the NGO program in CHT. Still, it does not have any sole authority to deal with the matters of coordination of NGOs in CHT.

The Deputy Commissioners of three HDs also call upon NGO meetings as part of supervision and coordination of NGOs as like other districts through the circular differentiates the special power is vested to the HDCs.

#### **D. Challenges in the legal and policy framework:**

The key informant described the challenges, CHTRC facing for being functional. Most of the functions entrusted by the CHTRC Act, 1998 could not be activated due to non-amendment of contradictory laws, rules, and lack of supportive rules and regulations which are drafted by CHTRC but kept pending without any decision by MoCHTA and other relevant ministries for a long time. Above all non-cooperation of related CHT institutions and offices have been a critical issue.

##### **1. Bringing amendment to the CHT Regulation 1900 and other related laws to harmonize with the CHTRC Act and HDC Acts:**

The provision of the CHT Accord states that “in the event of any inconsistency being found in respect of Hill District Local Government Acts of 1989, with that of the Chittagong Hill Tracts Regulation, 1900 and other related laws, rules, and ordinances, such inconsistency shall be removed by law as per the advice and recommendations of the CHTRC” (Roy and Chakma, 2014).

Issuance of fresh Memorandum stating the Regulation 1900 to be effective subject to the CHT Accord, by the cancellation of the Memorandum dated 29/10/1990 issued by the then Special Affairs Division has not yet been done. The CHT Regional Council sent a letter to the Cabinet Division demanding to cancel the said order and in place, to issue a fresh Memorandum defining that the extent of only provisions of CHT Regulation 1900 that stand consistent with the provisions of three Hill District Council Acts, CHT Regional Council Act and Allocation of Business of the Ministry of CHT Affairs, shall be effective. In that perspective, the Cabinet Division issued directives for necessary action following examination and review of the concerned laws in 2013 and 2015.

On 28/08/2019, a view exchange meeting was held in coordination with the CHT Regional Council representatives, Ministry of CHT Affairs, and Legislative and Parliamentary division with the Chair of the Senior Secretary of Legislative and Parliamentary Division. In the minutes of the meeting, it was stated that the issue is impossible to be resolved without bringing a change into the concerned Act.

However, CHTRC has not accepted that decision as issuing a new memorandum and repealing old one does not require complete amendment of the CHT Regulation, 1900. That is why CHTRC has sent another letter to the Cabinet Division on 14/12/2020 (source: CHTRC official documents).

## **2. Considering the opinion of CHTRC on framing and amending any Laws, Rules, and Acts:**

It is to be mentioned that as per the provision under Section 53 of the CHTRC Act, in some cases relating to formulation or amendment of any laws, advice or opinion of CHT Regional Council is compulsory. The CHT Regional Council so far has provided recommendations in the alteration or bringing an amendment to such provisions of Laws that may make adverse effects on the welfare of the tribal peoples such as Forest Act 1927, Police Act, 1861 and Police Regulation etc. But in most cases, either opinion from CHT Regional Council was not sought or recommendation of CHT Regional Council was not accepted.

For instance, during the post-Accord period, various Laws, Acts, Rules have been enacted and amended. But no provision has been kept in those laws specifying their extent of applicability in CHT.

## **3. Activating the supervisory and coordination role of CHTRC:**

a) Despite the circular dated 17-01-2000 issued by MOCHTA for informing other ministries about Regional Council's supervisory and coordination role on development issues in the three hill districts, but the CHT Regional Council is seldom involved or informed of planning, formulation, adoption, and implementation of development programs that are carried out in CHT by other ministries.

b) There is a decision of establishing coordination among the three Hill District Councils, the CHT Regional Council and the Ministry of CHT Affairs, as it was decided in the 2<sup>nd</sup> meeting of CHT Accord Implementation Monitoring Committee held on 19 February 2019 but still, any measures has been taken so far.

**4. Transfer of important subjects to HDCs:** The approval of the rules for the CHT Land Dispute Resolution Commission, drafted under the Act, 2016 is still pending in the land ministry which is required to activate the CHT land Commission. Also, CHTRC has time and again asked to transfer the subject Land and Land management, Police(local), Forest other than reserved forest and Environment, Secondary Education etc. to HDCs with necessary jurisdiction by executive order. The transfer of subjects should also be done following the HDC Acts so that there remain no anomalies, such as Tourism subject transferred to HDC's is not done properly.

**5. Removing barrier on framing up-regulation by CHTRC and HDCs:**

According to section 46 of the CHTRC Act 1998, it has the power to frame regulation (Probidhanmala) on some specific functions to run its function specially to perform its functions entrusted in section 22. Section 46 (3),(4) and (5) narrate, it should be published through an office memo duly signed by its Chairman, send it to MoCHTA within 30 days of its publication and if Ministry has any advice or suggestion to alter or improve any point, it can provide suggestion duly. HDCs also have the same provisions regarding the formulation of Regulation (Probidhanmala) which differentiate the CHTRC Act and HDC Acts from other local government Acts. Following the said provisions CHTRC and HDCs made and published some regulations and GoB/MoCHTA provided advice on them. But, in 2014 MoCHTA came up with the idea that in case of making any regulation CHTRC also should follow the provisions of the Rules of Business, 1996 and directed CHTRC not to publish any regulation on its own before having any S.R.O number from the Law Ministry according to the Secretariat Instructions and the Rules of Bussiness 1996.

However, CHTRC considers it as its special power to frame regulation on its official memo for its function which somewhat provides some flexibility to exercise its autonomous and decentralized mode of power. CHTRC explaining the Article 65 of the Bangladesh Constitution and the section 21 of General Clauses Act, 1897 and providing instances of making and amending regulations by Medical universities including Bangabandhu Medical University and Science and Technological Universities, Cabinet Division sent another letter to MoCHTA on 22/11/2016 for reviewing the concerned legislations about resolving the matter. It did not yield positive result. So, CHTRC sent further letter to Cabinet, which once again sent letter to MoCHTA for resolving the matter. But, the issue is yet to be resolved. There is a need for a

common consensus on what should be the right way, otherwise many of the important regulations framed by CHTRC to activate its function will remain unresolved and making it non-functional. Any ambiguity between CHTRC and MoCHTA should be solved immediately so that it can avoid any delay that ultimately affects the implementation of the CHT Accord.

#### **E. Way Forward:**

1. Manpower in CHTRC has not been met as per the proposed administrative structure. Hence, CHTRC organogram with necessary posts should be upgraded immediately.
2. Framing up the Rules of Business of three HDCs which recognize CHTRC's supervision and coordination role for all affairs including development programs carried out by Hill District Councils.
3. Measures should be taken to transfer the significant subjects of HDCs such as Land & Land management, Police (local), Law and Order, Secondary Education, Forest & Environment accordingly.
4. Measures should be taken to bring amendment on the CHT Regulation 1900, Police Act, 1861, Bangladesh Police Regulation and Forest Act, 1927 in consistent with the CHTRC Acts and HDC acts. CHT Accord also suggests amending the inconsistency with the HDC Acts and CHTRC Acts.
5. There are some measures taken by the cabinet division and relevant ministry by issuing circular and letter to make the coordination and supervision role of CHTRC with different offices as mentioned above. However, these letters are not enough to realize it in place. So measures should be taken to ensure building mutual trust, the sensitivity of Govt. to CHT context and common conscientious for bridging the gap among different stakeholders of CHT.
6. The pending issue such as CHTRC special fund Probidhanmala, Relief and Disaster Management Probidhanmala, Rules of Business of HDCs, Rules for the CHT Land Dispute Resolution Commission, CHTRC Rules of Business, etc should be resolved by MoCHTA.

7. The difference of opinion between MoCHTA and CHTRC on the power of formulating regulation by CHTRC and HDCs should be duly resolved.
8. The CHT Accord recognizes the prerogative to consult HDCs and ensure the advice of CHTRC before the enactment of any law for enforcement in CHT. This provision of consultation and consideration of the opinion of CHT institution should be properly practiced.
9. Formulation of Election Regulation and Electoral Roll Regulations with permanent resident of CHT to hold election of HDCs and CHTRC.
10. The “Operation Uttoron” (Operation Upliftment) is to be withdrawn.
11. CHTRC should be recognized as the Apex body of CHT by its meaningful participation in every policy process of Bangladesh to uphold the socioeconomic, cultural diversity of CHT and its people.
12. Implementation of CHT Accord 1997 to its fullest form. So the government should declare a timeline within which the accord is to be implemented properly.

### **Conclusion:**

The legal, financial, and organizational institutional capacity of CHTRC has been assessed by the study. Though CHTRC can provide some service to the citizen according to its functions, it faces challenges in establishing its coordination and supervisory role to HDCs, CHTDB, and other local govt organizations. There is interdependency among organizations formed in accordance with the CHT Accord. The gap identified between MoCHTA, CHTRC, and other CHT institutions should be reduced. CHTRC has to engage its concern on continuous follow-up and advocacy to bring necessary amendments to harmonize the contradictory laws, rules, and regulations in accordance with the CHTRC Act. It should utilize its efficiency by improving its roles and responsibility to fulfill the expectations of the citizen of CHT.

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## Abbreviations

|             |                                                                                                      |
|-------------|------------------------------------------------------------------------------------------------------|
| CHT         | Chittagong Hill Tracts                                                                               |
| CHTDB       | Chittagong Hill Tracts Development Board                                                             |
| CHTRC       | Chittagong Hill Tracts Regional Council                                                              |
| DC          | Deputy Commissioner                                                                                  |
| GoB         | Government of Bangladesh                                                                             |
| HDC         | Hill District Council                                                                                |
| HDLGC       | Hill District Local Government Council                                                               |
| MoCHTA      | Ministry of Chittagong Hill Tracts Affairs                                                           |
| NGO         | Non-Governmental Organization                                                                        |
| PCJSS       | ParbatyaChattagram Jana Samhati Samity                                                               |
| SP          | Superintendent of Police                                                                             |
| MoF         | Ministry of Finance                                                                                  |
| MoRDM       | Ministry of Relief and Disaster Management                                                           |
| MoI         | Ministry of Industry                                                                                 |
| CHTLDRRC    | Chittagong Hill Tracts Land Dispute Resolution Commission                                            |
| CHTAI&MC    | Chittagong Hill Tracts Accord Implementation & Monitoring Committee                                  |
| TFRJRR&IDTP | Task Force on Rehabilitation of Jumma Refugee Returnees and the Internally Displaced Tribal Peoples. |
| LG          | Local Government                                                                                     |
| RTI         | Right to Information                                                                                 |
| GRS         | Grievance Redress System                                                                             |
| NIS         | National Integrity Strategy                                                                          |
| APA         | Annual Performance Agreement                                                                         |