



CHITTAGONG HILL TRACTS COMMISSION

International Chittagong Hill Tracts Commission Stands in Solidarity with the Civil Society Leaders of CHT and Calls for the Defense of the Chittagong Hill Tracts Regulation 1900

27 September 2023

The International Chittagong Hill Tracts Commission (CHTC) expresses deep concern over the ongoing lawsuits against the Chittagong Hill Tracts Regulation, 1900, and calls for its defense. CHTC joins hands with civil society leaders in the CHT who have tirelessly advocated for the preservation of this vital regulation.

As reported by the media, CHT civil society leaders and local legal experts have expressed their grave concern regarding the recent attempts to question the validity of the 1900 Regulation through legal proceedings. They believe that questioning the fundamental aspects of this law raises suspicions of a sinister plot¹.

On November 22, 2016, the Appellate Division of the Supreme Court of Bangladesh, the country's apex court, declared the Chittagong Hill Tracts Regulation 1900 as a valid and effective law in the case of *Wagachara Tea Estate Ltd. v. Muhammad Abu Taher & Others*, 16 BLD (AD), 36 (2016). This was followed in 2017, by the apex court's decision in *Government of Bangladesh v. Rangamati Food Products and Others 69 DLR(AD) (2017)*, in which it overruled the High Court Division's judgment that had declared the 1900 Regulation to be a "dead law". In other words, the Court in *Rangamati Foods* continued the trend of the *Wagachara* judgment in upholding the validity and continuity of the CHT Regulation.

However, in 2018, two Bengali migrant inhabitants of Khagrachhari with unknown social or political antecedents challenged the aforesaid two verdicts in the Supreme Court through review petitions, which are only sparingly allowed.

According to media reports, legal experts have expressed their shock at how the applications have not been rejected so far, which challenge not only the government's stance but also the Supreme Court's verdicts.²

What is surprising is that, contrary to stated policies and pronouncements of the incumbent government under the Prime Minister Sheikh Hasina, the Attorney General, representing the government, has submitted petitions to remove significant words, sentences, and paragraphs dealing with customary law, along with the terms "Raja" and "indigenous peoples". As reported by media, this is seen as a deep conspiracy against the indigenous peoples and permanent residents of the CHT, in which an official representing the government is himself involved.³

¹ <https://www.jugantor.com/todays-paper/city/715653>

² <https://www.jugantor.com/todays-paper/city/715653>

³ <https://paharerkhabor.com/news/18498>

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To address this issue, a group of prominent individuals from the hill districts submitted memorandums to the Prime Minister on 19 January 2022 and 26 July 2023, emphasizing the urgency of this issue and its impact on the rights, welfare, and heritage of all citizens in the CHT, particularly those of indigenous origin.

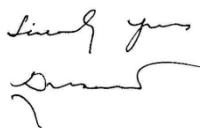
The CHTC firmly believes that the Chittagong Hill Tracts Regulation, 1900, holds immense significance for the indigenous peoples of the CHT region, as it provides for limited self-rule through traditional indigenous institutions and upholds customary laws, conventions, usages, and practices relating to lands, territories and resources and the family laws of the peoples concerned. It is a testament to the rich cultural heritage and unique traditions of the indigenous peoples in the area.

The recent attempts to question the validity of the 1900 Regulation through legal proceedings are a matter of grave concern. If the regulation were to be declared invalid or otherwise weakened, it would further marginalize the indigenous peoples of the CHT and destabilize the region. This will endanger the progress of implementing the CHT Accord and the efforts of the CHT Land Commission. It could also have adverse consequences for Bangladesh's secular, non-communal, and multicultural character.

The CHT Accord of 1997, a historic agreement, recognizes the importance of the 1900 Regulation and emphasizes the need for consultations and advice from local authorities in case of amendments. Any attempt to declare the regulation as a "dead law" or repeal it is fundamentally inconsistent with the spirit of this Accord. The Minister for Chittagong Hill Tracts Affairs, Bir Bahadur Ushwe Sing, further emphasized that the 1900 regulation is one of the foundations of the CHT Accord, and discussions with the local people are necessary to make any changes to it.⁴

The CHT Commission stands firmly alongside the civil society leaders from the CHT, who have consistently demanded the defense of the 1900 Regulation, and reiterates its support for the retention of the CHT Regulation, 1900, and calls upon all stakeholders to protect the cultural and historical legacy of the indigenous peoples of the CHT, which is consistent with the CHT Accord of 1997, the ILO Convention No 107 (acceded to by Bangladesh) and the Constitution of Bangladesh.

On behalf of the CHT Commission,



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⁴ <https://paharerkhabor.com/news/18498>