

CHT Land Dispute Resolution Commission Act of 2001

13-Point Amendment Proposals¹ and Amendment Bill adopted by Cabinet on 3 June 2013

Sl.	Amendable Sections of the Act	13-Point Amendment Proposals	Amendment Bill adopted by Cabinet on 3 June 2013	Opinion and Issues to be addressed
1.	Preamble Para 4 Line 3: Hill District Committee and Parbatya Jana Samhati Samiti .. signed an Agreement	The National Committee on CHT and Parbatya Chattagram Jana Samhati Samiti .. signed an agreement	The National Committee on CHT and Parbatya Chattagram Jana Samhati Samiti ... signed an agreement	The amendment proposal has been incorporated properly.
2.	Section 3(2)(d): Circle Chief of the concerned circle, ex-officio;	Section 3(2)(d): Circle Chief of the concerned circle, ex-officio or his representative nominated by him;	“Circle Chief of the concerned circle, ex-officio or his representative nominated by him”	The amendment proposal has been incorporated properly.
3.	Section 6(1)(a): To settle the land related dispute of the rehabilitated refugees in accordance with the existing laws and customs in the Chittagong Hill Tracts;	Section 6(1)(a): In addition to quick settlement of the disputes of lands of the rehabilitated tribal refugees to settle, all disputes of lands, which have been illegally given in settlement and occupied in accordance with the existing laws, customs and practices of Chittagong Hill Tracts;	To settle the land related disputes of the rehabilitated refugees and illegally settled and occupied land related disputes in accordance with the existing laws and customs in the Chittagong Hill Tracts;	The amendment proposal has NOT been incorporated properly. In addition, the word “practices” has NOT been incorporated in the Bill. <ul style="list-style-type: none"> To amend as per 13-point proposals.
4.	Section 6(1)(b): The claim and rights of the petitioner or the opposite party on the land referred shall be settled and if necessary, restored under the existing laws and custom of Chittagongs Hill Tracts;	Section 6(1)(b): The claim and rights of the petitioner or the opposite party on the land referred shall be settled and if necessary, restored under the existing laws, customs and practices of CHT;	Missing	The amendment proposal has NOT been incorporated totally. <ul style="list-style-type: none"> To amend as per 13-point proposals.

¹ On 20 June 2011 Ministry of CHT Affairs (MoCHTA), with the consultation with CHT Regional Council, finalised 13-point amendment proposals of the CHT Land Disputes Resolution Commission Act 2001 and sent them to Land Ministry for taking necessary initiative to place Cabinet and Parliament for final adoption. Later on, Land Ministry sent them twice to the CHT Accord Implementation Committee seeking its opinions and accordingly the CHT Accord Implementation Committee approved them in its 4th and 5th meetings held on 22 January 2012 and 28 May 2012 respectively and finally the Inter-ministerial Meeting headed by Law Minister Barrister Shafique Ahmed held on 30 July 2012, where representative of the CHT Regional Council attended, also approved them.

Sl.	Amendable Sections of the Act	13-Point Amendment Proposals	Amendment Bill adopted by Cabinet on 3 June 2013	Opinion and Issues to be addressed
5.	<p>Section 6(1)(c): Any land has been given in settlement in violation of the existing laws of CHT, shall be cancelled and if any lawful owner has been illegally occupied on account of such settlement shall be restored:</p> <p>Provided that, this sub-section shall not be applicable in case of Reserved Forests, Kaptai Hydroelectricity Project area, Betbunia Earth Satellite Station, state-owned industries and land recorded with the Government or local authorities.</p>	<p>To replace Section 6(1)(c) with: “Any land including fringe land has been given in settlement <u>or occupied</u> in violation of the existing laws, customs and practices of CHT, shall be cancelled and if any lawful owner has been illegally occupied on account of such settlement shall be restored.”</p> <p>and</p> <p>to omit “Provided that, this sub-section shall not be applicable in case of Reserved Forests, Kaptai Hydroelectricity Project area, Betbunia Earth Satellite Station, state-owned industries and land recorded with the Government or local authorities.”</p>	<p>The word “laws” of Section 6(1)(c) will be replaced with the words “laws and customs” and the words “Any land” will be replaced with the words “any land including fringe land” and bracket.</p>	<p>The amendment proposal has NOT been incorporated properly, such as-</p> <ul style="list-style-type: none"> * The word “occupied” has NOT been incorporated; * The word “practices” has been missing; * The proviso has NOT been omitted. • To amend as per 13 point amendment proposals.
6.	<p>Section 7(3): Attendance of the Chairman and another two members on the meeting shall be necessary for maintaining quorum and the Chairman of the commission shall preside over all meetings.</p>	<p>Section 7(3): Attendance of the Chairman and another three members on the meeting shall be necessary for maintaining quorum and the Chairman of the commission shall preside over all meetings.</p>	<p>Missing</p>	<p>The amendment proposal has NOT been incorporated totally.</p> <ul style="list-style-type: none"> • To amend as per 13-point proposals.

Sl.	Amendable Sections of the Act	13-Point Amendment Proposals	Amendment Bill adopted by Cabinet on 3 June 2013	Opinion and Issues to be addressed
7.	Section 7(4): If any agenda remains unresolved in any meeting that can be presented for consideration and resolution in any of the subsequent meeting and this shall not be held up on the ground that the members who were present in the earlier meeting have remained absent and the decision on this issue shall not be illegal.	Section 7(4): If any agenda remains unresolved in any meeting that can be presented for consideration and resolution in any of the subsequent meeting and however, notices shall be delivered to all members and the matter shall not be held up on the ground that the members who were present in the earlier meeting have remained absent and the decision on this issue shall not be illegal.	The full stop mentioned at the end of the Sub-section (4) will be replaced with colon and after that, the following proviso will be inserted- Provided that notices shall be delivered to all members in case of such consideration and resolution.	The amendment proposal has been incorporated properly.
8.	Section 7(5): Chairman shall take decision on the basis of discussion with other members present on the areas of its activities along with the matter stated in section 6(1) unanimously and in case decision is not unanimous his decision shall be treated as the decision of the Commission.	Section 7(5): Chairman shall take decision on the basis of discussion with other members present on the areas of its activities along with the matter stated in section 6(1) unanimously and in case decision is not unanimous decision of majority including the chairman shall be treated as the decision of the Commission.	The words “his decision shall be treated as the decision of the Commission” will be replaced with the words “decision of majority including the chairman shall be treated as the decision of the Commission”.	The amendment proposal has been incorporated properly.
9.	Section 9: Submission of petition of the commission	Section 9: Submission of petition to the commission	Section 9 will be amended as- (a) The words “Submission of petition of the commission” will be replaced with the words “Submission of petition to the commission”; (b) A new sub-section will be inserted as “(2) The applicant, in interest of having proper justice can apply, before disposal of the matter, at any time to amend his/her petition.”	The amendment proposal has been incorporated properly.

Sl.	Amendable Sections of the Act	13-Point Amendment Proposals	Amendment Bill adopted by Cabinet on 3 June 2013	Opinion and Issues to be addressed
10.	Section 10: To add a new sub-section (4).	To add new Section 10(4) after section 10(3): The applicant, in interest of having proper justice can apply, before disposal of the matter, at any time to amend his/her petition.	This amendment proposal has been incorporated in the Section 9.	The amendment proposal has been incorporated properly.
11.	Section 13: To insert a new sub-section 3.	To add new Section 13(3) after section 13(2): Secretary, officers and employees of the Commission, under this sub-section, shall be appointed giving priority to the tribal persons of the Hill districts.	“(3) Secretary, officers and employees of the Commission, under this sub-section, shall be appointed giving priority to the tribal persons of the Hill districts.”	The amendment proposal has been incorporated properly.
12.	Section 18: The Government may, for achieving the objectives of the Act, can formulate, through gazette notification, rules, in consultation with the Council, within 6 months of framing the Act..	Section 18: The Government may, for achieving the objectives of the Act, can formulate, through gazette notification, rules, in consultation with the Council, as soon as possible of the framing of the Act.	The words “within 6 months of framing the Act” will be omitted.	The amendment proposal has been incorporated properly.
13.	To insert a new section 21.	Section 21: Inclusion of Functions of the Land Commission into CHT Affairs Ministry and it will be enforced soon after enactment of this law.	Missing	The amendment proposal has NOT been incorporated totally. <ul style="list-style-type: none"> • To amend as per 13 point proposals.