

THE CHITTAGONG HILL-TRACTS REGULATION, 1900

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SCHEDULE-Enactments declared in force in the Chittagong Hill-tracts

**THE CHITTAGONG HILL-TRACTS
REGULATION, 1900
Regulation I of 1900**

[17th January, 1900]

A Regulation to declare the law applicable in, and provide for the administration of, the Chittagong Hill-tracts in ¹[Bangladesh];

WHEREAS it is expedient to declare the law applicable in, and provide for the administration of, the Chittagong Hill-tracts in ¹[Bangladesh];

It is hereby enacted as follows:-

**CHAPTER I
PRELIMINARY**

Short title,
extent and
commencement

1. (1) This Regulation may be called the Chittagong Hill-tracts Regulation, 1900.

(2) It extends to the Chittagong Hill-tracts; and

(3) It shall come into force on such date as the ²[Government] may, by notification in the [*Official Gazette*], appoint.

Definitions

2. In this Regulation-

(a) the expression "Chittagong Hill-tracts" means the area known by that name as existing on the first day of January 1936; and

(b) "Commissioner" and "Additional Commissioner" mean respectively the Commissioner and the Additional Commissioner of the Chittagong Division ³;

(c) "District Judge" means the District Judge appointed by the Government in consultation with the Supreme Court of Bangladesh³;

(d) "Joint District Judge" means the Joint District Judge appointed by the Government in consultation with the Supreme Court of Bangladesh³.

¹ The word "Bangladesh" was substituted for the words "East Pakistan" by Article 5 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

² The word "Government" was substituted for the words "Provincial Government" by Article 8 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

³ The semi-colon (;) was substituted for the full-stop (.) and clauses (c) and (d) were added by section 2 of the Chittagong Hill-Tracts Regulation (Amendment) Act, 2003 (২০০৩ সনের ৩৮ নং আইন)।

CHAPTER II

LAWS

3. Subject to the provisions of this Regulation, the administration of the Chittagong Hill-tracts shall be carried on in accordance with the rules for the time being in force under section 18. Chittagong Hill-tracts how to be administered

4. (1) The enactments specified in the schedule, to the extent and with the modifications therein set forth and so far as they are not inconsistent with this Regulation or the rules for the time being in force thereunder, are hereby declared to be in force in the Chittagong Hill-tracts. Enactments applicable in Chittagong Hill-tracts

(2) No other enactment heretofore or hereafter passed shall be deemed to apply in the Chittagong Hill-tracts:

Provided that the ¹[Government] may, by notification in the *Official Gazette*, -

- (a) declare that any other enactment shall apply in the said tracts, either wholly or to the extent or with the modifications which may be set forth in the notification; or
- (b) declare that any enactment which is specified in the schedule, or which has been declared to apply by a notification under clause (a) of this sub-section, shall cease to apply in the said tracts :

Provided further that no such declaration shall be after the commencement of Part III of the Government of India Act, 1935.

CHAPTER III

APPOINTMENT AND POWERS OF CERTAIN OFFICERS

5. The ¹[Government] may, by notification in the *Official Gazette*, - Appointment of Deputy Commissioner and subordinate officers

(a) appoint any person to be the Deputy Commissioner of the Chittagong Hill-tracts; and

(b) appoint so many Deputy Magistrate and Deputy Collectors and other officers as it thinks fit to assist in the administration of the said tracts.

¹ The word "Government" was substituted, for the words "Provincial Government" by Article 8 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

Investments of Deputy Magistrates and Deputy Collectors with powers of Deputy Commissioner

6. The ¹[Government] may, by notification in the *Official Gazette*, invest any Deputy Magistrate and Deputy Collector or Sub-Deputy Magistrate and Sub-Deputy Collector with all or any of the powers of the Deputy Commissioner under this Regulation or the rules for the time being in force thereunder, and define the local limits of his jurisdiction.

Chittagong Hill-tracts to be a district under the Deputy Commissioner

7. The Chittagong Hill-tracts shall constitute ²[three districts] for the purposes of criminal ³[***] jurisdiction and for revenue and general purpose, the Deputy Commissioner shall be the District Magistrate, and, subject to any orders passed by the ¹[Government] under section 6, the general administration of the said Tracts, in criminal, ⁴[***] revenue and all other matters, shall be vested in the Deputy Commissioner.

Chittagong Hill-tracts to be a sessions division under the Commissioner

8. ⁵[(1) The Rangamati, Khagrachory and Bandarban districts of the Chittagong Hill-Tracts shall constitute three separate sessions divisions and the concerned District Judge shall be the Sessions Judge of the respective sessions division and the Joint District Judge shall be the Assistant Sessions Judge.]

(2) ⁶[The] Sessions Judge ⁷[***] may take cognizance of any offence as a Court of original jurisdiction, without the accused being committed to him by a Magistrate for trial, and, when so taking cognizance, shall follow the procedure prescribed by the Code of Criminal Procedure, 1898, for the trial of cases by Magistrates.

¹ The word "Government" was substituted for the words "Provincial Government" by Article 8 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

² The words "three districts" were substituted for the words "a district" and the words "and civil" and "civil" were omitted by section 3 of The Chittagong Hill-Tracts Regulation (Amendment) Act, 2003 (২০০৩ সনের ৩৮ নং আইন)।

³ The words "and civil" were omitted by section 3 of The Chittagong Hill-Tracts Regulation (Amendment) Act, 2003 (২০০৩ সনের ৩৮ নং আইন)।

⁴ The words "civil" were omitted by section 3 of The Chittagong Hill-Tracts Regulation (Amendment) Act, 2003 (২০০৩ সনের ৩৮ নং আইন)।

⁵ The sub-section (1) was substituted by section 4 of The Chittagong Hill-Tracts Regulation (Amendment) Act, 2003. (২০০৩ সনের ৩৮ নং আইন)।

⁶ The word "The" was substituted for the word "As" by section 4 of The Chittagong Hill-Tracts Regulation (Amendment) Act, 2003 (২০০৩ সনের ৩৮ নং আইন)।

⁷ The words "the Commissioner" were omitted by section 4 of The Chittagong Hill-Tracts Regulation (Amendment) Act, 2003, (২০০৩ সনের ৩৮ নং আইন)।

¹[(3) The Rangamati, Khagrachory and Bandarban districts of the Chittagong Hill-Tracts shall constitute three separate civil jurisdictions under three District Judges.

(4) The Joint District Judge as a court of original jurisdiction, shall try all civil cases in accordance with the existing laws, customs and usages of the districts concerned, except the cases arising out of the family laws and other customary laws of the tribes of the districts of Rangamati, Khagrachory and Bandarban respectively which shall be triable by the Mauza Headmen and Circle Chiefs.

(5) An appeal against the order, judgment and decree of the joint District Judge shall lie to the District Judge.]

9. ²[The Supreme Court of Bangladesh] shall exercise the powers of a ²[High Court Division] for all purposes of the Code of Criminal Procedure, 1898. High Court Division

10. [Section 10 was omitted by section 5 of The Chittagong Hill-Tracts Regulation (Amendment) Act, 2003. (২০০৩ সনের ৩৮ নং আইন)।]

CHAPTER IV

ARMS, AMMUNITION, DRUGS AND LIQUOR

11. (1) The Deputy Commissioner may fix the number of fire arms and the quantity and description of ammunition which may be possessed by the inhabitants of any village, and may grant permission, either to such inhabitants collectively or to any of them individually, to possess such fire arms and ammunition as he may think fit. Possession of fire arms and ammunition and manufacture of gun-powder

(2) All fire arms for the possession of which permission is given under sub-section (1), shall be marked and entered in a register.

¹ Sub-sections (3), (4) and (5) were added by section 4 of The Chittagong Hill-Tracts Regulation (Amendment) Act, 2003. (২০০৩ সনের ৩৮ নং আইন)।

² The words "The Supreme Court of Bangladesh" were substituted for the words "The High Court of East Pakistan" by Article 7(3) of the the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

(3) Any permission granted under sub-section (1) to possess fire arms and ammunition may be withdrawn by the Deputy Commissioner, and thereupon all fire arms and ammunition referred to in such permission shall be delivered to the Deputy Commissioner or one of his the subordinates.

(4) The Deputy Commissioner may grant permission to any person to manufacture gunpowder, and may withdraw such permission.

(5) Whoever, without the permission of the Deputy Commissioner, possesses or exports from the Chittagong Hill-tracts any fire arms or ammunition, or manufactures any gunpowder, shall be punishable with imprisonment for a term which may extend to three years or with fine, or with both.

(6) The Deputy Commissioner may, with the previous sanction of the ¹[Government], by order in writing, direct that sub-sections (1), (2), (4) and (5), or any of them, shall not apply in any village specified in the order.

Daos, spears and bows and arrows

12. (1) The Deputy Commissioner may, with the previous sanction of the Commissioner, by order in writing, prohibit all or any of the inhabitants of any village from carrying daos, spears and bows and arrows, or any of those weapons, in any tract to be defined in the order, if he is of opinion that such prohibition is necessary to the peace of such tract.

(2) Every order made under sub-section (1) shall specify the length of time during which it shall remain force.

(3) Whoever disobeys an order made under sub-section (1) shall be punishable with imprisonment for a term which may extend to six months, or with fine, or with both.

¹ The word "Government" was substituted for the words "Central Government" by Article 8 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

13. (1) Whoever, except under and in accordance with a license granted by the Deputy Commissioner, imports, exports, manufactures, possesses or sells opium, *ganja* or *charas*, or any preparation thereof, or cultivates any plant from which opium, *ganja* or *charas* can be produced, shall be punishable with imprisonment for a term which may extend to two years in the case of a person who has not been previously convicted of an offence under this section or to five years in the case of a person who has been so convicted, or with fine or with both, and shall also be punishable with whipping in lieu of, or in addition to any of the above punishments.

Intoxicating
drugs

(2) Notwithstanding anything contained in sub-section (1) any person may without a license granted by the Deputy Commissioner-

- (a) Possess, for domestic use, one *tola* of *charas*, or of any preparation thereof or three *tolas* of *ganja* or of any preparation thereof; and
- (b) if such person is registered under the provisions of the rules made under this Regulation as a habitual consumer of opium, possess such amount of opium or any preparation thereof not exceeding five *tolas* in weight as he may be allowed to have in his possession at one time under the said rules.

(3) Nothing in sub-sections (1) and (2) shall apply to or in respect of “prepared opium” as defined in the ¹[***] Opium Smoking Act, 1932.

14. (1) Whoever, except under and in accordance with a license granted by the Deputy Commissioner, imports or sells foreign spirit or fermented liquor, shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

Foreign spirits
and fermented
liquor

(2) Nothing in this section applies-

- (a) to the import by any person, for his private use and consumption, and not for sale, of any foreign spirit or fermented liquor on which duty has been paid; or
- (b) to the sale of any such spirit or liquor legally procured by any person for his private use and consumption and sold by him, or by auction on his behalf, or on behalf of his representatives in interest, upon his quitting station or after his decease.

¹ The word “Bengal” was omitted by the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President’s Order No. 48 of 1972).

Explanation.-For the purposes of this section, the expression "foreign spirit or fermented liquor" means any spirit or fermented liquor not manufactured or produced in the Chittagong Hill-tracts.

Locally made
spirit and
fermented
liquor

15. Whoever, except under and in accordance with a license granted by the Deputy Commissioner, exports or sells spirit or fermented liquor manufactured or produced in the Chittagong Hill-tracts, shall be punishable with imprisonment for a term which may extend to three months, or with fine, or with both.

CHAPTER V

MISCELLANEOUS

Police

16. The Chittagong Hill-tracts shall be deemed to be a general police-district within the meaning of Police Act, 1861, and the ¹[***] Police Act, 1869 and the Inspector-General of Police, ²[Bangladesh] shall exercise therein all the powers and authority conferred on an Inspector-General of Police.

Control and
revision

17. (1) All officers in the Chittagong Hill-tracts shall be subordinate to the Deputy Commissioner, who may revise any order made by any such officer, including a Deputy Magistrate and Deputy Collector or a Sub-Deputy Magistrate and Sub-Deputy Collector invested with any of the powers of the Deputy Commissioner under section 6.

(2) The Commissioner may revise any order made under this Regulation by the Deputy Commissioner or by any other officer in the Chittagong Hill-tracts ³[, except any order made in the matter of land administration and land reforms].

(3) The ⁴[Government] may revise any order made under this Regulation.

¹ The word "Bengal" was omitted by the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

² The word "Bangladesh" was substituted for the words "East Pakistan" by Article 5 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

³ The comma and words ", except any order made in the matter of land administration and land reforms" were added by Article 3, Schedule of the Bangladesh Laws (Repealing and Amending) Order, 1973 (President's Order No. 12 of 1973).

⁴ The word "Government" was substituted for the words "Provincial Government" by Article 8 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

18. (1) The ¹[Government] may make rules for carrying into effect the objects and purposes of this Regulation. Power to make rules
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may-
- (a) provide for the administration of civil justice in the Chittagong Hill-tracts;
 - (b) prohibit, restrict, or regulate the appearance of legal practitioners in cases arising in the said Tracts;
 - (c) provide for the registration of documents in the said Tracts;
 - (d) regulate or restrict the transfer of land in the said Tracts;
 - (dd) provide for the control of money-lenders and the regulation and control of money-lending in the said tracts;
 - (e) provide for the sub-division of the said Tracts into circles, and those circles into *mauzas*;
 - (f) provide for the collection of the rent and the administration of the revenue generally in the said circles, and *mauzas* through the chiefs, and headmen;
 - (g) define the powers and jurisdiction of the Chiefs, and headmen, and regulate the exercise by them of such powers and jurisdiction;
 - (h) regulate the appointment and dismissal of headmen;
 - (i) provide for the remuneration of chiefs, headmen and village-officers generally by the assignment of lands for the purpose or otherwise as may be thought desirable;
 - (j) prohibit, restrict or regulate the migration of cultivating raiyats from one circle to another;

¹ The word "Government" was substituted for the words "Provincial Government" by Article 8 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

- (k) regulate the requisition by Government of land required for public purposes;
- (kk) provide for compulsory vaccination in the said tracts;
- (l) provide for the levy of taxes in the said Tracts;
- (ll) provide for the registration of persons who are habitual consumers of opium in the said Tracts; and
- (m) regulate the procedure to be observed by officers acting under this Regulation or the rules for the time being in force thereunder.

(3) All rules made by the ¹[Government] under this section shall be published in the *Official Gazette* and on such publication, shall have effect as if enacted by this Regulation.

(4) The powers conferred by this section on the ¹[Government] shall be powers of the ²[Government] as respects rules for the regulation of the following matters, namely-

- (a) the possession of fire-arms and ammunition and the manufacture of gunpowder;
- (b) the cultivation, manufacture and sale for export of opium; and
- (c) the import or export across customs frontiers, as defined by the ²[Government], of any intoxicating drug or foreign spirit or fermented liquor.

Bar to
jurisdiction of
Civil and
Criminal
Courts

19. Except as provided in this regulation or in any other enactment for the time being in force, a decision passed, act done or order made under this Regulation or the rules thereunder, shall not be called in question in any Civil or Criminal Court.

20. *[Repeal of certain enactments.] Rep. by the Amending Act, 1903 (I of 1903).*

¹ The word "Government" was substituted for the words "Provincial Government" by Article 8 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

² The word "Government" was substituted for the words "Central Government" by Article 8 of the Bangladesh (Adaptation of Existing Laws) Order, 1972 (President's Order No. 48 of 1972).

THE SCHEDULE.*(See Section 4.)***ENACTMENTS DECLARED IN FORCE IN THE CHITTAGONG HILL-TRACTS.**

Year. 1	No. 2	Short title or subject. 3	Extent of application. 4	Modifications. 5
1.-ACTS OF THE GOVERNOR-GENERAL-IN-COUNCIL				
1843	V	The Slavery Act, 1843.	So much as may from time to time, be in force in the district of Chittagong.	
1850	XVIII	The Judicial Officer's Protection Act, 1850.	Ditto.	
1850	XXXIV	The State Prisoners Act, 1850.	Ditto.	
1857	XI	The State Offences Act, 1857.	Ditto.	
1858	III	The State Prisoners Act, 1858.	Ditto.	
1860	XLV	¹ [The Penal Code.]	Ditto.	
1861	V	The Police Act, 1861	Ditto.	

¹ The words "Penal Code" were substituted for the words "Pakistan Penal Code" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII of 1973).

Year. 1	No. 2	Short title or subject. 3	Extent of application. 4	Modifications. 5
1864	VI	The Whipping Act, 1864.	Ditto. Whipping in lieu of, or in addition to, other punishment.	For section 6 the following shall be <i>substituted</i> , namely:- “6. Notwithstanding anything in the foregoing sections, a person convicted of any offence may be punished with whipping in lieu of, or in addition to, any other punishment to which he may be liable.”
1872	I	The Evidence Act, 1872.	So much as may, from time to time, be in force in the district of Chittagong.	
1877	XV	The Limitation Act, 1877.	Ditto.	
1879	VI	The Elephants Preservation Act, 1879.	Ditto.	
1897	X	The General Clauses Act, 1897.	So far as it is not inconsistent with this Regulation, or	

Year. 1	No. 2	Short title or subject. 3	Extent of application. 4	Modifications. 5
			the rules framed hereunder.	
1898	V	The Code of Criminal Procedure, 1898.	So much as may, from time to time be in force in the district of Chittagong.	Nothing in the Code shall apply to cases tried by the chiefs, or headmen in exercise of the powers conferred upon them by rules made under section 18 of this Regulation.
1898	VI	The Post Office Act, 1898.	So much as may, from time to time, be in force in the district of Chittagong.	(1) The proviso to sub-section (1) of section 7 and the First Schedule shall be <i>omitted</i> . (2) For sub- section (2) of section 7, the following shall be <i>substituted</i> , namely:- “(2) unless and until such notification as aforesaid is issued the rates chargeable for the time being in the rest of British India shall be the rates chargeable in the Chittagong Hill-tracts.”

Year. 1	No. 2	Short title or subject. 3	Extent of application. 4	Modifications. 5
2.-ACTS OF THE LIEUTENANT-GOVERNOR OF BENGAL IN COUNCIL				
1869	VII	Police	So much as may, from time to time, be in force in the district of Chittagong.	
1899	I	<i>The Bengal General Clauses Act, 1899.</i>	Ditto.	
3.-REGULATION OF THE BENGAL CODE.				
1818	III	<i>The Bengal State Prisoners Regulation, 1818.</i>	So much as may, from time to time, be in force in the district of Chittagong.	
4.-REGULATION MADE UNDER THE GOVERNMENT OF INDIA ACT, 1870 (33 VICT., c.3.).				
1881	III	The Chittagong Hill-tracts Frontier Police Regulation, 1881.	