

THE CHITTAGONG HILL TRACTS DEVELOPMENT BOARD ORDINANCE, 1976

(ORDINANCE NO. LXXVII OF 1976).

[21st October, 1976]

An Ordinance to provide for the establishment of a Development Board for the Chittagong Hill Tracts.

WHEREAS it is expedient to provide for the establishment of a Development Board for the Chittagong Hill Tracts and for matters connected therewith or incidental thereto;

NOW, THEREFORE, in pursuance of the Proclamations of the 20th August, 1975, and 8th November, 1975 and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

Short title

1. This Ordinance may be called the Chittagong Hill Tracts Development Board Ordinance, 1976.

Definitions

2. In this Ordinance, unless there is anything repugnant in the subject or context,-

- (a) "Board" means the Chittagong Hill Tracts Development Board established under section 3;
- (b) "Chairman" means the Chairman of the Board;
- (c) "member" means a member of the Board;
- (d) "prescribed" means prescribed by rules made under this Ordinance;
- (e) "Vice-Chairman" means the Vice-Chairman of the Board.

Establishment of the Board

3. (1) As soon as may be after the commencement of this Ordinance, the Government shall, by notification in the official Gazette, establish a Board to be called the Chittagong Hill Tracts Development Board for carrying out the purposes of this Ordinance.

(2) The Board shall be a body corporate, having perpetual succession and a common seal, with power, subject to the provisions of this Ordinance and the rules made thereunder, to acquire, hold and dispose of property, both movable and immovable, and shall by the said name sue and be sued.

Composition of the Board

4. 1[(1) The Board shall consist of the following members, namely:-

- (a) a Chairman and a Vice-Chairman to be appointed by the Government;

(b) the Deputy Commissioners of the districts of Chittagong Hill Tracts 2[, Bandarban and Khagrachari], ex-officio;

(c) 3[four] full-time members to be appointed by the Government.]

(2) One of the full-time members, to be specified by the Government, shall act as the Secretary of the Board.

(3) Full-time members shall hold office on such terms and conditions as the Government may determine.

(4) The Chairman shall be the Chief executive of the Board.

(5) The Chairman and other members shall perform such functions as the Board may assign to them from time to time or as may be prescribed.

(6) No act or proceedings of the Board shall be invalid merely on the ground of the existence of a vacancy in, or any defect in the constitution of, the Board.

Head office, etc

5. (1) The head office of the Board shall be located at Rangamati.

(2) The Board may, with the prior approval of the Government, establish offices at any other place in the Chittagong Hill Tracts.

Meeting of the Board

6. (1) Save as hereinafter provided, the Board shall regulate the procedure for its meetings.

(2) Meetings of the Board shall be held on such date and at such time and place as may be determined by the Chairman:

Provided that at least one meeting of the Board shall be held in every two months.

(3) To constitute a quorum at a meeting of the Board, not less than three members shall be present.

(4) All questions at a meeting of the Board shall be decided by a majority of the members present and voting, and in the case of equality of votes, the person presiding shall have a second or casting vote.

(5) All meetings of the Board shall be presided over by the Chairman or, in his absence, by the Vice-Chairman.

Consultative Committee

7. (1) There shall be a Consultative Committee consisting of the following members, namely:-

(a) the Chairman of the Board who shall also be its Chairman;

(b) the three Rajas or their nominees;

(c) one representative of the Headmen from each subdivision in the 4[districts of Chittagong Hill Tracts 5[, Bandarban and Khagrachari]], to be nominated by the Chairman;

(d) one Chairman of the Union Parishad from each subdivision 6[of the districts of Chittagong Hill Tracts 7[, Bandarban and Khagrachari]], to be nominated by the Chairman of the Board;

(e) such other members, official or non-official, as may be nominated by the Chairman with the approval of the Government.

(2) The nominated members of the Consultative Committee shall hold office for such period, and the members thereof shall be paid such travel costs for attending meetings, as may be determined by the Board.

(3) The Board shall regulate the procedure for the meetings of the Consultative Committee.

(4) The Consultative Committee shall advise the Board in the formulation and execution of its projects and schemes.

Functions of the Board

8. The functions of the Board shall be-

(a) to prepare projects and schemes for the development of Chittagong Hill Tracts;

8[(b) to approve of projects and schemes involving not more than twenty-five lakh Taka each for the thana headquarters, unions and villages;]

(c) to execute approved projects and schemes;

(d) to supervise execution of approved projects and schemes;

(e) to advance funds, on such terms and conditions as it may determine, for the execution of development schemes sponsored by various development agencies;

9[* * *]

(g) to do such other acts and things as may be necessary or convenient to be done in connection with, or incidental or conducive to, the performance of the aforesaid functions.

Execution of projects and schemes through other agencies 9. Notwithstanding anything contained in any other law for the time being in force or in section 8, the Board may require any local authority or Government agency within whose jurisdiction any area covered by any project or scheme approved under section 8 lies to execute the project or scheme, or any portion thereof, in consultation with the Board, and the expenditure incurred on the execution of any such project or scheme or portion thereof shall be borne as may be agreed to between the Board and the local authority or Government agency or, in the event of disagreement, as may be determined by the Government.

Appointment of officers, etc 10. The Board may appoint such officers and other employees as it considers necessary for the performance of its functions on such terms and conditions as it may deem fit:

Provided that no post shall be created by the Board without the prior approval of the Government.

Board Fund

11. (1) There shall be formed a Fund to be known as the Chittagong Hill Tracts Development Board Fund which shall vest in the Board and shall be utilised by the Board to meet charges in connection with its functions under this Ordinance, including the payment of salaries and other remuneration to the officers and other employees of the Board.

(2) The Chittagong Hill Tracts Development Board Fund shall comprise-

(a) a non-lapsable revolving fund, not exceeding Taka two crore, to be granted by the Government;

(b) loans raised by the Board with the sanction of the Government;

(c) receipts from any other source.

Budget

12. The Board shall, by such date in each year as may be prescribed, submit to the Government for approval a budget in the prescribed form for each financial year showing the estimated receipts and expenditure and the sums which are likely to be required from the Government during that financial year.

Audit and accounts

13. (1) The Board shall maintain its accounts in such manner and form as may be prescribed.

(2) The accounts of the Board shall be audited by the Comptroller and Auditor-General of Bangladesh (hereinafter in this section referred to as the Auditor-General) in such manner as he deems fit.

(3) For the purpose of an audit under sub-section (2), the Auditor-General or any person authorised by him in this behalf shall have access to all records, books, documents, cash, securities, stores and other property of the Board and may examine the Chairman or any member, officer or employee of the Board.

(4) The Auditor-General shall, as soon as possible after completion of the audit, send to the Board his audit report and the Board shall forward it, with its comments thereon, to the Government.

(5) The Board shall take steps forthwith to remedy any defects or irregularities pointed out in the audit report.

Submission of reports, etc

14. (1) The Board shall submit to the Government, as soon as possible after the end of every financial year, a report on the conduct of its affairs for that year.

(2) The Board shall submit to the Government at such time and at such interval as the Government may specify-

(a) such returns, accounts, statements, estimates and statistics as may be required by the Government;

(b) information and comments asked for by the Government on any specific subject;

(c) copies of documents required by the Government for examination or any other purpose.

Power of entry

15. The Chairman or any member, or any other person authorised by the Chairman in this behalf, may, with or without assistants or workmen, enter into or upon any land in order-

(a) to make any inspection, survey, experiment, valuation or inquiry;

(b) to take level of such land;

(c) to dig or bore into the sub-soil;

(d) to set out boundaries and intended lines of work; (e) to mark such levels, boundaries and lines by placing marks and cutting trenches; or

(f) to do any other thing;

whenever it is necessary to do so for any of the purposes of this Ordinance:

Provided that no such entry shall be made without giving the occupier of the land at least twenty-four hours' notice of the intention to make such entry.

Compulsory acquisition of land for the Board

16. Any land required by the Board for carrying out its functions under this Ordinance shall be deemed to be needed for a public purpose and such land may be requisitioned or acquired for the Board by the Government or the Deputy Commissioner, as the case may be, in accordance with any law for the time being in force.

Delegation of powers

17. The Board may, by general or special order, delegate to the Chairman or any member or officer any of its functions subject to such conditions as it may think fit to impose.

Power to issue directions

18. The Government may, from time to time, issue directions to the Board to take such measures as it considers necessary for carrying out the purposes of this Ordinance; and the Board shall comply with all such directions.

Indemnity

19. No suit, prosecution or other legal proceeding shall lie against the Board, the Chairman or any member, officer or employee of the Board for anything done or intended to be done in good faith under this Ordinance.

Winding up

20. No provision of law relating to the winding up of bodies corporate shall apply to the Board, and the Board shall not be wound up except by order of the Government and in such manner as the Government may direct.

Power to make rules

21. The Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Ordinance.

Power to make regulations

22. The Board may, with the approval of the Government, make regulations, not inconsistent with the provisions of this Ordinance and the rules made thereunder, to provide for all matters not required to be provided for by rules and for which provision is necessary or expedient for carrying out the purposes of this Ordinance.

Dissolution of the existing Chittagong Hill Tracts Development Board

23. (1) Upon the establishment of the Board, the Chittagong Hill Tracts Development Board constituted by the Cabinet Division notification No. 21/2/76-Rules, dated the 14th January, 1976, hereinafter referred to as the existing Board, shall stand dissolved and the said notification shall stand rescinded.

(2) Upon the dissolution of the existing Board,-

(a) all assets, rights, powers, authorities and privileges, and all property, movable or immovable, cash and bank balances, funds, investments and all other interests and rights in, or arising out of, such property of the existing Board subsisting immediately before its dissolution shall stand transferred to and vest in the Board;

(b) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the existing Board before its dissolution shall be deemed to have been incurred, entered into or engaged to be done by, with or for the Board;

(c) all budget estimates, schemes or projects made by the existing Board shall be deemed to have been made by the Board under the provisions of this Ordinance and shall continue in force until they are altered, amended or superseded under the said provisions;

(d) all officers and other employees of the existing Board shall stand transferred to and become officers and employees of the Board and shall hold office or service in the Board on the same terms and conditions as were enjoyed by them immediately before such dissolution and shall continue to do so until the terms and conditions are duly altered under this Ordinance;

(e) all suits, prosecutions and other legal proceedings instituted by or against the existing Board before its dissolution shall be deemed to be suits, prosecutions and proceedings by or against the Board and shall be proceeded or otherwise dealt with accordingly.

1 Sub-section (1) was substituted by section 3 of the Development Boards Laws Amendment Ordinance, 1982 (Ordinance No. XLV of 1982)

2 The comma and words “, Bandarban and Khagrachari” were substituted for the words “and Bandarban” by section 2 of the Chittagong Hill Tracts Development Board (Amendment) Ordinance, 1984 (Ordinance No. IX of 1984)

3 The word “four” was substituted for the word “three” by section 2 of the Chittagong Hill Tracts Development Board (Amendment) Ordinance, 1983 (Ordinance No. XLIV of 1983)

4 The words “districts of Chittagong Hill Tracts and Bandarban” were substituted for the words “Chittagong Hill Tracts ” by section 3 of the Development Boards Laws Amendment Ordinance, 1982 (Ordinance No. XLV of 1982)

5 The comma and words “, Bandarban and Khagrachari” were substituted for the words “and Bandarban” by section 3 of the Chittagong Hill Tracts Development Board (Amendment) Ordinance, 1984 (Ordinance No. IX of 1984)

6 The words “of the districts of Chittagong Hill Tracts and Bandarban” were inserted by section 3 of the Development Boards Laws Amendment Ordinance, 1982 (Ordinance No. XLV of 1982)

7 The comma and words “, Bandarban and Khagrachari” were substituted for the words “and Bandarban” by section 3 of the Chittagong Hill Tracts Development Board (Amendment) Ordinance, 1984 (Ordinance No. IX of 1984)

8 Clause (b) was substituted by section 3 of the Development Boards Laws Amendment Ordinance, 1982 (Ordinance No. XLV of 1982)

9 Clause (f) was omitted by section 3 of the Development Boards Laws Amendment Ordinance, 1982 (Ordinance No. XLV of 1982)