



# <sup>1</sup>Rangamati Hill District <sup>2</sup>[\*] Council Act 1989

(As amended up to 18 September 2000)

## Act XIX of 1989

Whereas it is expedient and necessary to enact laws to establish a Council for the overall development of Rangamati Hill District inhabited by different backward tribal people:

It is hereby enacted as follows: -

**1. Short Title & Commencement.** – (1) This Act may be called Rangamati Hill District <sup>3</sup>[\*] Council Act, 1989.

2. It shall come into force on such date as the Government by notification in the official gazette appoint.

**2. Definition.** – In this Act, unless there is anything repugnant in the subject or context-

(a) “Non-tribal” means who is not a tribal;

<sup>4</sup>[(aa) “Non-tribal permanent resident” means “who is not a tribal and <sup>5</sup>[possesses land legally in the Hill District and] generally lives in a certain address in the Hill District shall be meant”.]

(b) “Tribal” means members of Chakma, Marma, Tanchangya, Tripura, Lusai, Pangkhu & Khyang tribes who are permanent inhabitants of Rangamati Hill District;

(c) “Chairman” means the Chairman of the Council;

(d) “Schedule” means schedule to this Act;

(e) “Council” means Rangamati Hill District Council;

(f) “Regulations” means regulations made under this Act;

(g) “Rules” means rules made under this Act;

(h) “Local Authority” means Municipality, Upazila Council and Union Council;

(i) “Member” means a member of the Council;

<sup>6</sup>[(j) “Circle Chief” means “Chakma Chief”.]

**3. Constitution of the Rangamati Hill District Council.** – (1) As soon as may be, after the commencement of this Act, there shall be constituted, in accordance with the provisions of this Act, the Rangamati Hill District Council in Rangamati Hill District.

(2) The Council shall be a statutory body, having perpetual succession and a common seal, with power, subject to the provisions of this Act and the rules, to acquire, hold and dispose of property, both movable and immovable and shall be its name sue and be sued.

**4. Composition of the Council.** - (1) The Council shall consist of-

(a) a Chairman;

(b) twenty tribal members;

(c) ten non-tribal members;

<sup>7</sup>[(d) three female members out of which two tribal and one non-tribal.

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<sup>1</sup> The Act passed by the Sangsad has received the assent of the President on 6 March 1989.

<sup>2</sup> The words ‘Local Government’ were omitted by the Act no. IX of 1998.

<sup>3</sup> The words ‘Local Government’ were omitted by the Act no. IX of 1998.

<sup>4</sup> The sub-section was added by the Act no. IX of 1998.

<sup>5</sup> These words were substituted for the words ‘possesses land legally in the Hill District or’ by the Act no. XXIII of 1998.

<sup>6</sup> The sub-section was added by the Act no. IX of 1998.

<sup>7</sup> The sub-section was added by the Act no. IX of 1998.

*Explanation:- There shall be no quota for different tribes of the district as referred to Clause D.]*

(2) The Chairman and other members shall be elected by direct election in accordance with the provisions of this Act and the rules.

(3) The tribal members <sup>8</sup>[*as referred to Sub-section 1(b)*] shall consist of-

- (a) Ten elected members from amongst the Chakma tribe;
- (b) Four elected members from amongst the Marma tribe;
- (c) Two elected members from amongst the Tanchangya tribe;
- (d) One elected member from amongst the Tripura tribe;
- (e) One elected member from amongst the Lusai tribe;
- (f) One elected member from amongst the Pangkhu tribe;
- (g) One elected member from amongst the Khyang tribe;

(4) Chairman shall be elected from amongst the tribal people.

<sup>9</sup>[(4a) *Any tribal woman can be a candidate for the post of Chairman, and any tribal woman can be a candidate for the posts of member preserved for the tribal under Sub-section (3) and any non-tribal woman can be a candidate for the posts of member for non-tribal under Sub-section (1)(d) in the election, subject to rules and regulations.*]

(5) Whether a person is a tribal or not shall be determined, along with the identity of the tribe to which he belongs by the <sup>10</sup>[*Circle Chief*] of the district. No person can be candidate either for the office of the Chairman or that of the tribal member without a certificate from the <sup>11</sup>[*Circle Chief*] in this behalf.

<sup>12</sup>[(6) *Whether a person is non-tribal or not and if he is non-tribal, then to which community does belong shall be determined by the Circle Chief on the basis of the certificate given to this effect by the concerned Mouza Headman, or Union Council Chairman or in case of Pourashava Chairman Pourashava as the case may be, and no person shall be eligible to contest for the non-tribal member post without such a certificate given to this effect by the Circle Chief.*]

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## **5. Qualification and disqualification for Chairman: -**

(1) A person disqualified for election of continuing also as tribal member shall be disqualified for election or continuing as Chairman.

(2) A person disqualified for election or continuing also as tribal member shall be disqualified for election or continuing as Chairman.

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<sup>8</sup> The words were inserted by the Act no. IX of 1998.

<sup>9</sup> The sub-section was added by the Act no. IX of 1998.

<sup>10</sup> These words were substituted for the words 'Deputy Commissioner' by the Act no. XXIII of 1998.

<sup>11</sup> These words were substituted for the words 'Deputy Commissioner' by the Act no. XXIII of 1998.

<sup>12</sup> The sub-section was added by the Act no. IX of 1998.

**6. Qualification and disqualification of the tribal and non-tribal members: -**

(1) Subject to provision under sub-section (3), a person, who is a citizen of Bangladesh, a permanent domicile of Rangamati Hill District, a member of a tribe and has attained twenty five years of age, shall be qualified for election as a tribal member to the seat reserved for his tribe.

(2) Subject to provisions of sub-section (3) a person, who is a citizen of Bangladesh, a permanent domicile of Rangamati Hill District, a non-tribal and has attained twenty five years of age, shall be qualified for election as a non-tribal member to the seat reserved for non-tribal.

(3) No person shall be elected or continue as a tribal or non-tribal member, who-

- (a) relinquishes or loses the citizenship of Bangladesh;
- (b) is declared by a court to be of unsound mind;
- (c) is an undischarged insolvent;
- (d) migrates from Rangamati Hill district for permanent domicile elsewhere;
- (e) has been, on conviction for a criminal offence involving moral turpitude, sentenced to imprisonment for a term of not less than two years, unless a period of five years has elapsed since his release;
- (f) holds a whole time office of profit in the service of the Republic or of the council or of any other local authority;
- (g) is a member of the Jatiya Sangsad or a Chairman or a member of any local authority;
- (h) is a party to contract for work to be done for or goods to be supplied to the Council or has otherwise any pecuniary interest in its affairs or is a dealer in essential commodities appointed by the Government;
- (i) has defaulted in repaying any loan taken from the Sonali Bank, the Agrani Bank, the Janata Bank, the Rupali Bank, the Shilpa Bank, the Shilpa Rin Sangstha or Krishi Bank within the time allowed by the banks therefore.

**7. Oath of office by the Chairman and the members. – The person elected to the post**

Before entering upon office, a person, elected as a chairman or a member, shall make and subscribe before a <sup>13</sup>[*Judge of the High Court Division selected for that purpose by the President to that effect*] an oath or affirmation in the following form namely: -

“I ....., Father/Husband ..... elected as the Chairman or the member of the Rangamati Hill District <sup>14</sup>[\*] Council do solemnly swear and firmly affirm that I shall bear true faith and allegiance to Bangladesh and that I shall discharge my duties faithfully in accordance with laws”.

**8. Declaration of properties. –** Before entering upon office, the Chairman and Member, shall submit, <sup>15</sup>[*in such manner as the Government may direct, as per rule,*] a declaration in writing of

<sup>13</sup> These words were substituted for the words ‘person’ by the Act no. XXIII of 1998.

<sup>14</sup> The words ‘Local Government’ were omitted by the Act no. IX of 1998.

<sup>15</sup> These words were substituted for the words ‘to the Commissioner of Chittagong Division, in such manner’ by the Act no. XXIII of 1998.

properties both movable and immovable, which he or any member of his family owns or which he has in possession or under his control or in which he or any member of his family has any beneficial interest.

**Explanation.** – ‘A member of the family’ will mean the Chairman’s or the concerned member’s spouse and his/her children, parents and brother and sisters living with and dependent on him/her.

**9. Privileges of the Chairman and the Members.** – The privileges of the Chairman and the Members shall be determined by regulation.

**10. Term of the Council.** – The term of the council shall be for a period of <sup>16</sup>[five] years from the date of its first sitting:

Provided that the council shall carry on its business even after the expiration of the term till the new council is called into session.

**11. Resignation by Chairman and the Members.** – (1) Chairman and any member may resign by notice in writing under his hand addressed to the Government and the Chairman respectively.

(2) The resignation shall be effective and the seat shall fall vacant from the date of the acceptance of the resignation.

**12. Removal of Chairman, etc.** – (1) Chairman or any member shall be liable for removal, if he-

- (a) remains absent without sufficient reason in three consecutive sittings of the council;
- (b) refuses to discharge his responsibilities or is unable to perform his duties due to physical or mental incapability;
- (c) is found guilty of misconduct or abuse of power or liable for causing loss or misappropriation of any money or property of the council.

**Explanation.** – In this sub-section “misconduct” means abuse of power, corruption, nepotism and willful mal-administration.

(2) For reasons under sub-section (1) a Chairman or a Member shall not be removed from his office, unless a resolution in favour of his removal is adopted by at least three-fourths vote of the total number of the members present in the special session of the council summoned for this purpose as per rule:

Provided that, before adoption of the resolution the Chairman or the said Member shall be allowed reasonable opportunity to show cause the proposed resolution.

(3) After the resolution is adopted, in accordance with sub-section (2), the Chairman or the said Member shall stand removed from his office.

(4) Notwithstanding anything contained in any other provision of this act, a person, who has been removed under this section, shall not be eligible for election during the remaining term of the council.

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<sup>16</sup> The word was substituted for the word ‘three’ by the Act no. IX of 1998.

13. Vacation of office of the Chairman and the Member. – (1) The office of a Chairman and a Member shall become vacant if-

(a) he fails to make the oath or affirm within thirty days of the publication of his name in the official gazette prescribed under section 7:

Provided that the Government may extend such period on valid ground;

(b) he ceases to be a member under section 5 or 6;

(c) he resigns his seat under section 11;

(d) he is removed from his office under section 12;

(e) he dies.

(2) If a controversy arises as to whether a Chairman or a Member has become disqualified after election under section 5 or 6, the matter shall be referred by the Secretary of the Council to the District Judges of Rangamati district for a decision, and if the District Judge is satisfied that the said Chairman or the Member has accordingly been disqualified, he shall not hold the office and the seat will fall vacant from the date of the passing the said order by the District judge.

(3) The vacation of the office of Chairman or the Member shall be notified in the official gazette.

**14. Acting Chairman.** – At any time when the office of the Chairman falls vacant or when the Chairman is unable to discharge the functions of the office on account of absence, illness or any other cause, <sup>17</sup>[*a tribal Member elected by other Members of the Council*] shall act as the Chairman until a new Chairman elected to fill such vacancy enters upon his office or until the Chairman resumes the functions of his office, as the case may be.

**15. Unexpected vacation.** – The Office of a Chairman or Member, falling vacant one hundred and eighty days before the expiration of the term of the Council, shall be filled up within sixty days of the vacation and the person so elected shall hold the office for the unexpired term of the Council.

**16. Time for holding general election of the Council.** – (1) The general election of the Council shall be held within the period of sixty days prior to the date of expiration of the term of the Council.

<sup>18</sup>[Provided that if, in the opinion of the Chief Election Commissioner appointed under Article 118 of the Constitution it is not possible, for any special reason, to hold the election within the period specified in this subsection, the election shall be held within 180 days next following the last day of the specified period.]

(2) In the event of the Council being superseded, the general election shall be held for reconstitution of the Council before the date of the expiration of the period of supersession.

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<sup>17</sup> These words were substituted for the words ‘a representative member nominated by Government’ by the Act no. XXIII of 1998.

<sup>18</sup> The sub-section was inserted by the Act no. XXXI of 1992 and amended by the Act no. II of 1997.

<sup>19</sup>[16A. *Interim Council: (1) The council shall be dissolved on the expiry of its term if general election to the Council is not held under Section 16 and all authority and responsibility of the Council shall vest on the interim Council constituted under sub-Section (2).*

*(2) The Government may form an Interim Council consisting of 1 Chairman and 4 Members.*

*(3) The Interim Council shall carry on the business of the Council until the new-elected Council takes over charge under Section 16.*

*(4) The Government if necessary may reconstitute the Interim Council.*

*(5) The condition under Section 16 shall not be applicable at all to the Council or Council constituted immediately thereafter through general election on the expiry of the Interim Council under this Section.*

*(6) Notwithstanding anything contained in other Sections of this Act, the provisions of this Section shall prevail.]*

**17. Eligibility for enrollment** <sup>20</sup>[**and Electoral roll.** – (1)] A person shall, shall be eligible to be enrolled in the electoral roll, if he is

(a) a citizen of Bangladesh;

(b) not less than 18 years old;

(c) not declared mentally unsound by any competent court;

<sup>21</sup>[(d) a permanent resident of Rangamati Hill District.]

<sup>22</sup>[(2) The Election Commission shall formulate voter lists for holding election of the Council.]

**18. Right to vote.** - Every person whose name is <sup>23</sup>[*entered in the electoral roll under section 17 and for the time being entered in the existing electoral roll*], may cast his vote in any election of the Council.

**19. Disqualification for candidature for two seats at the same time.** – A person shall not, at the same time, be a candidate for election as Chairman and a tribal member.

**20. Conduct of election.** - (1) Election Commission, constituted in accordance with the constitution, hereinafter referred to as the Election Commission, shall also conduct the election of Chairman and the member according to this Act and rules.

(2) The Government shall, by a notification in the official gazette, frame rules for elections of the chairman and the Members and regulations may be made under such rules in respect of all or any of the following, namely: -

<sup>19</sup> The sub-section was added by the Act no. II of 1997.

<sup>20</sup> These words were inserted by the Act no. XXXIII of 2000.

<sup>21</sup> The sub-section was added by the Act no. IX of 1998.

<sup>22</sup> These sub-section was added by the Act no. XXXIII of 2000.

<sup>23</sup> These words were substituted for the words ‘for the time being entered in the electoral roll under section 17’ by the Act no. XXXIII of 2000.

(a) <sup>24</sup>[*Determination of electoral constituency*];

<sup>25</sup>[(*aa*)] appointment of Returning Officer, Assistant Returning Officer, Presiding Officer and Polling Officer conducting the election and their powers and duties;

(b) nomination of the candidates, objection to nomination and scrutiny of nomination;

(c) security deposit by the candidate and refund or forfeiture of the same;

(d) withdrawal of candidature;

(e) appointment of polling agent;

(f) procedure in contested and uncontested election;

(g) polling schedule, time and place and any other matter regarding conduct of polls;

(h) polling procedure;

(i) custody and distribution of ballot papers and other election papers;

(j) the circumstance under which polls may be suspended and fresh polls to be held;

(k) election expenses;

(l) corrupt or illegal practices or other election offences and penalties therefor;

(m) adjudication and settlement of election disputes; and

(n) any other matter incidental to election.

(3) Rules, made under sub-section (2) (k), shall provide for punishment of imprisonment, fine or both, but term of imprisonment shall not exceed two years and the fine shall not be more than taka five thousand.

**21. Publication of election results of Chairman and the members.** – The name of all the persons elected as Chairman and members, shall as soon as may be possible, be published by the Election Commission in the official gazette.

**22. Functions of the Council.** – The functions as set out in the First Schedule shall be the functions of the Council and it shall perform the functions consistent with the fund.

**23. Transfer of functions of the Government and the Council.** – Notwithstanding anything contained in this Act or any other law for the time being in force, the Government may, with the consent of the council, direct that-

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<sup>24</sup> The sub-section was inserted by the Act no. IX of 1998.

<sup>25</sup> The sub-section was re-named by the Act no. IX of 1998.

- (a) any institution or service maintained by the Council shall be transferred to the management and control of the Government; and
- (b) any institution or service maintained by the Government shall be transferred to the management and control of the Council.

**24. Executive powers** – The executive powers of the council shall extend to the doing of all acts necessary for the due discharge of its functions under this Act.

(2) Save as otherwise provided in this Act and the rules, the executive powers of the Council shall vest in and be exercised by the Chairman, either directly or through any person authorised by him, in accordance with this Act and the rules.

(3) All acts of the council whether executive or not shall be expressed to be taken in the name of the council and shall be authenticated in the manner prescribed.

**25. Disposal of business.** – (1) All business of the council shall, to the extent and in the manner prescribed, be disposed of at its meetings or at meetings of the committees or by the Chairman, the member or any other officer or employee of the council.

(2) All the meetings of the council shall be presided over by the Chairman and, in his absence, by any tribal member chosen from among the members present in the meeting.

(3) No act or proceedings of the council shall be invalid merely by the reason of the existence of any vacancy in the seat of a member or any defect in its constitution or by reason only that some person who was not entitled to do so, sat or voted or otherwise took part in its proceedings.

(4) A copy of the minutes of each meeting of the council shall be sent to the Government within fourteen days of the holding of the meeting.

**26.** <sup>26</sup>*[The right of the Chakma Circle Chief and Bohmong Circle Chief to attend the council meeting. – The Chakma Circle Chief and Bohmong Circle Chief,]* if he so desires or on being invited, may attend any council meeting and may express his opinion on any matter under discussion of the council.

**27. Committee.** – The council may, if it deems necessary, appoint committees to assist in its business and shall determine the number of the member/members of the said committees and its term of reference.

**28. Contract.** – (1) All contracts made by or on behalf of the council shall be-

- (a) in writing and expressed to be made in the name of the council;
- (b) executed in such manner as may be prescribed by regulations.

(2) The Chairman shall apprise the Council of the contracts in its meeting held immediately after the execution of the contracts.

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<sup>26</sup> These words were substituted for the words ‘the right of the Chakma Chief and Bohmong Chief to attend the council meeting. – The Rangamati Chakma Chief and Bandarban Bohmong Chief’ by the Act no. XXIX of 2000. The latter words were substituted for the words ‘the right of the Chakma Chief to attend the council meeting. – The Chakma Chief of Rangamati’ by the Act no. IX of 1998.



(3) The council may, by resolution, lay down the procedure that shall regulate the making of various contracts, and in the execution of contracts, the Chairman shall act in accordance with such resolution.

(4) No contract executed otherwise than in conformity with the provisions of this Act shall be binding on the council.

**29. Construction works.** – The council shall by regulation-

- (a) Make rules for the preparation of the plan and the estimates of all construction works to undertaken by the council;
- (b) Specify the names of the authorities competent to accord technical and administrative approval to the said plan and estimates and the conditions governing such approval;
- (c) Specify the names of the agencies to be entrusted with the preparation of the said plan and estimates and the execution of the said works.

**30. Documents, reports, etc.** – The council shall-

- (a) maintain documents of its activities in accordance with procedure to be laid down by regulation;
- (b) prepare and publish periodical report and statement on matters mentioned in the regulation;
- (c) adopt other measures necessary for making public information on its activities or as directed by the Government from time to time.

**31. Secretary of the council.** – <sup>27</sup>*[There shall be a Chief Executive Officer equivalent to the rank of a Deputy Secretary as secretary of the Council and tribal officers shall be given priority to the appointment of this post.]*

**32. Appointment of officers and employees of the council.** – (1) For the proper conduct of its affairs the council may, with the <sup>28</sup>*[approval]* of the Government, create posts of various categories of officers and employees.

(2) The council may as per regulations appoint 3rd class and 4th class employees and transfer, suspend, dismiss, remove and award any other punishment on them;

Provided that <sup>29</sup>*[preference to the tribal candidates of the district shall be maintained in the appointment of the said posts.]*

<sup>30</sup>*[(3) In consultation with the Council the Government may appoint officers for other posts as per regulation.]*

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<sup>27</sup> The section was substituted for the former sub-sections ‘(1) The Deputy Commissioner of Rangamati Hill District shall be the *ex-officio* Secretary of the council. (2) The duties of the secretary shall be to assist and advise in the matter of convening, conducting and disposing of agenda of the meeting’ by the Act no. IX of 1998.

<sup>28</sup> The sub-section was inserted by the Act no. IX of 1998.

<sup>29</sup> The words were substituted for the words ‘the ratio between the tribals and the non-tribals is maintained in the matter of the said appointment as far as practicable’ by the Act no. IX of 1998.

(4) *The Government may transfer the officers elsewhere under Sub-Section (3) and as per Regulations suspend, dismiss, remove or award any other punishment on them.]*

**33. Provident fund, etc.** – (1) The Council may create Provident Fund for its officers and employees and direct its officers and employees to pay subscription into the said fund at the rate fixed by regulations.

(2) The council may make contribution into the Provident Fund.

(3) The council may with the prior approval of the Government, pay gratuity to the family of an officer or employee of the council in the event of his/her death while discharging his/her duties entrusted to him/her <sup>31</sup>[*as per regulation.*]

(4) The council may, by regulations, launch group insurance scheme for its officers and employees and direct them to make contribution into it.

(5) The council may, by regulations, set up Benevolent Fund for its employees and allow gratuity mentioned in sub-section (3) out of this Fund and any other and in accordance with regulations.

(6) The council may make contributions into the Fund created under sub-section (5).

**34. Service Regulations.** – The Council may by regulations-

- (a) determine the service conditions of the officers and employees appointed by the council;
- (b) prescribe qualifications and policy for appointment to the posts within the appointing power of the council;
- (c) may prescribe procedure for holding enquiry for initiating disciplinary action against the officers and employees appointed by the council and may provide for imposing penalty and lay down procedure for appeal against the same;
- (d) make necessary regulations for smooth discharges of duties by the officers and employees of the council.

**35. Creation of Council Fund.** – (1) The council shall have a Fund called the Rangamati Hill District <sup>32</sup>[\*] Council Fund.

(2) To the credit of the council fund shall be placed-

- (a) Surplus fund of the District Council fund;
- (b) The proceeds of all taxes, rates, tolls, fees and any other charges levied by the Council;
- (c) Rents or profits from all properties vested in and managed by the Council;
- (d) Grant from the Government or any other authority;
- (e) Grant from any institution or individual;

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<sup>30</sup> The sub-sections were substituted for the former sub-section of '(3) The Government may, as per regulation, appoint officers, and transfer, suspend, dismiss, remove or inflict any other punishment on such officers' by the Act no. IX of 1998.

<sup>31</sup> The word was inserted by the Act no. IX of 1998.

<sup>32</sup> The words 'Local Government' were omitted by the Act no. IX of 1998.

- (f) Profits accruing from investment by the Council;
- (g) Any other moneys received by the Council;
- (h) Such proceeds from such sources of income as the Government may direct to be placed at the disposal of the Council.

**36. Custody or investment, etc. of the Council Fund.** – (1) The moneys credited to the Council Fund shall be kept with a Government treasury or a Bank transacting the business of the Government treasury <sup>33</sup>[\*].

(2) The council may, by regulations, invest portion of its fund.

(3) The council may, if it so desires, create a separate fund for special purpose, which shall be administered in the manner prescribed by regulations.

**37. Application of the Council Fund.** – (1) The moneys credited to the Council Fund shall be applied in the following order of preference: -

- First: In the payment of pay and allowances of the Officers and employees of the Council;
- Secondly: In meeting the expenditure charged on the Council Fund under this Act;
- Thirdly: In the fulfillment of any obligation and in the discharge of any duty imposed on the Council under this Act or under any other law for the time being in force;
- Fourthly: In meeting the expenditure declared by the Council, with the prior approval of the Government, to be an appropriate charge on the Council fund;
- Fifthly: In meeting the expenditure declared by the Government to be an appropriate charge on the Council fund.

(2) The following expenditure shall be charged upon the council fund, namely: -

- (a) payment on account of the services of a Government servant employed in the service council;
- (b) payment on account of maintenance of council services, audit of accounts or as such other matters as may, from time to time, be specified by the Government;
- (c) sums required to satisfy any judgment, decree or award against the council by any court or tribunal;
- (d) <sup>34</sup>[*any other expenses specified as obligatory expenses by the Rule.*]
- (e) (3) If any expenditure charged on the council fund is not paid, the Government may, by order, direct the person or persons having the custody of the council fund to pay such amount,

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<sup>33</sup> The words ‘or in such other manner determined by the Government from time to time’ were omitted by the Act no. IX of 1998.

<sup>34</sup> The words were substituted for the words ‘other sums declared by the Government to be so charged’ by the Act no. IX of 1998.

or so much thereof as may, from time to time, be possible, from the balance of the council fund.

**38. Budget.-** (1) Before the commencement of each financial year, the council shall prepare and approve in the manner prescribed by the rules, a statement of the estimated receipts and expenditure, hereinafter called the budget for that year, and forward a copy thereof to the Government.

(2) In the event of the failure by the council to approve the budget before the commencement of any financial year, the Government shall have the statement of receipt and expenditure prepared and authenticate it and such authenticated statement shall be deemed to be the sanctioned budget of the council.

(3) <sup>35</sup>[\*]

(4) <sup>36</sup>[*The Council may, if it deems it necessary, recast or make amendments in the budget prepared or approved for any financial year at a time before the end of that financial year and it shall forward a copy of the budget to the Government as soon as possible.*]

(5) On the first assumption of office by the council under this Act. the budget for that year shall be prepared for the remaining period of that financial year and the provisions of this section shall, mutatis mutandis apply.

**39. Accounts.-** (1) Accounts of the receipts and expenditure of the Council shall be maintained in the form and manner prescribed by rules.

(2) At the end of each financial year the Council shall prepare the annual accounts of receipts and expenditure and send to the Government by thirty first December of the following year.

(3) A copy of the annual statement of accounts of receipts and expenditure shall be placed at a conspicuous place in the Council office for public inspection and the Council shall consider all objections or suggestions of the public about the said accounts.

**40. Audit of accounts.-** (1) Accounts of receipts and expenditure of the Council shall be audited in the manner and by the authority prescribed by rules.

(2) The audit authority may examine all books of accounts and order documents of the Council and if deemed necessary, may also examine the Chairmen, any member, officer and employee of the council.

(3) On completion of audit, the audit authority shall submit an audit report to the Government which shall, among other things, mention:-

- (a) cases of embezzlement of money;
- (b) cases of loss, waste or mis-application of council fund;
- (c) case of irregularity in maintaining accounts;

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<sup>35</sup> The sub-section stating 'Under sub-section (1) the Government may, within thirty days of the receipt of he copy of the budget, modify the budget by an order and such modified budget shall be deemed to be the sanctioned budget of the council.' was omitted by the Act no. IX of 1998.

<sup>36</sup> The sub-section was substituted for the former sub-section 'At any time before expiry of the financial year, if deemed necessary, a revised budget may be framed and sanctioned and such revised budget shall, so far as may be, be subject to the provisions of this section' by the Act no. IX of 1998.

- (d) names of persons responsible directly or indirectly for such embezzlement, loss, waste, mis-application and irregularity in the opinion of audit authority.

**41. Property of the Council.-** (1) The Council may, by regulation-

- (a) make rules for management, maintenance, improvement and development of the property belonging to or vesting in the Council;
- (b) regulate the alienation of such property.
- (2) The Council may-
- (a) manage, maintain, inspect and develop or improve any property owned by or vested in or placed under the charge of the Council;
- (b) apply such property for the purpose of this Act;
- (c) acquire or transfer by grant , gift, sale, mortgage, lease or exchange or otherwise any property.

**42. Development plans.-** (1) The council may prepare and implement development plan any matter under its jurisdiction consistent with its resources.

- (2) Such plan shall provide for-
- (a) the manner in which the plants shall be financed, executed, implemented and supervised;
- (b) implementing agency of the plant;
- (c) other ancillary matters of the plan.

<sup>37</sup>[(2a) *The Council with its own fund or fund received from the Government under Sub-Section (1) of this Section may formulate and implement development plans on the subjects and departments transferred to it under Section 23(b).*]

(3) The Council shall send a copy of its development plan to the Government before its implementation.

<sup>38</sup>[(4) *The concerned Ministry, Division or Department shall implement through the Council all development works undertaken by the Government at the national level on the subjects transferred to the Council.*]

**43. Liability of the Chairman, etc. to the Council.-** The Chairman of the Council or its any member, officer of employee shall be liable for or any person authorised by or acting on behalf of the Council administration shall be liable for any loss, waste or mis-application of any money or property of the Council and the Government shall fix his responsibility according to procedure laid down by rules and the money, for which he will be held responsible, shall be recovered from him as public demand.

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<sup>37</sup> The words were substituted for the words 'As Sub-Section (1) of Section 42, the Council with its fund or money given by the government can prepare and execute development projects on institutions or works given by the government to the Council under Section 23 (b)' by the Act no. XXIX of 2000. The latter words were inserted as a new independent sub-clause by the Act no. IX of 1998.

<sup>38</sup> The sub-section was inserted by the Act no. IX of 1998 though the clause 19 of the CHT Accord stated that 'all development programs at national level shall be implemented through the Council by the concerned Ministry/Department/Institution'.

**44.** <sup>39</sup>*[Taxes to be levied by the Council and royalties on received from other Government sources.- The Council may, with the prior approval of the Government, levy all any other taxes, rates, tolls fees mentioned in the second schedule in accordance with procedure laid down by regulations and may collect its share of royalties from other government sources as specified in the said schedule.]*

**45. Notification and enforcement of taxes, etc.-** (1) All taxes, rates, tolls and fees, levied by the Council, shall be notified in accordance with procedure laid down by regulation, and shall, unless otherwise directed by the Government, be subject to previous publication.

(2) After any proposal for levy or revision of any taxes, rates, tolls or fees is approved, the same shall be effective from the date determined by the <sup>40</sup>*[Council.]*

**46. Tax Liability.-** The Council may, by notice, call upon any person to furnish such information, produce such record or accounts, or present such goods or animals liable to any tax, rate, toll or fee as may be necessary for the purpose of determining the liability of such person, goods or animals to a tax, rate, toll or fee or the assessment thereof.

**47. Tax Collection.-** (1) Unless otherwise provide in this Act. all taxes, rates, tolls or fees shall be collected by such persons and in such manner determined by regulations.

(2) All arrears of taxes, rates, tolls, fees and any other moneys, claimable by the Council, shall be recoverable as public demand.

**48. Objections against assessment.-** No objection may be filed regarding any tax, rate, toll or fee assessed under this Act. or valuation of any property or the liability of any person to pay them, otherwise than by a petition in writing to the authority and in the manner and within the time limit prescribed by regulations.

**49. Taxation rules.-** (1) All Taxes, rates, tolls or fees and other charges levied by the Council shall be assessed, imposed and regulated in such manner as may be prescribed.

(2) Rules made under this section may, among other matters, provided for the obligations of the tax-payers and the duties and powers of the officials and other obligations agencies responsible for the assessment and collection of taxes.

**50.** <sup>41</sup>*[Control over the Council's activities: (1) Government may, if necessary, provide counseling or instruct the Council for coordinating its activities of the Council according to the objectives of this Act.*

*(2) If the Government, finds any proof of any activity, done by the Council or done or proposed in favour of it, being inconsistent with this Act or detrimental to the interests of the people, then the Government may ask the Council in writing or information and explanation in this regard and it feels necessary, may provide counseling or instruction, and the Council shall provide the said information and explanation or shall implement the Government's counseling or instruction.]*

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<sup>39</sup> The section was substituted for the former section '**Taxes etc. to be levied by the Council.-** The Council may, with the prior approval of the Government, levy all any other taxes, rates, tolls fees mentioned in the second schedule in accordance with procedure laid down by regulations' by the Act no. IX of 1998.

<sup>40</sup> The word was substituted for the word 'Government' by the Act no. IX of 1998.

<sup>41</sup> The section was substituted for the former section '**Supervision Over the Council.-** The Government shall exercise general supervision and control over the Council in order to ensure that their activities Confirm to the purposes of this Act' by the Act no. IX of 1998.

51. <sup>42</sup>[\*]

52. <sup>43</sup>[\*]

**53. Supersession of the Council.-** (1) If, after the necessary enquiry, the Government is satisfied that the Council-

- (a) has been unable to discharge or has successively failed to discharge its duties;
- (b) is unable to administer its affairs or meet its financial obligations;
- (c) generally does such acts which are prejudicial to public interest;
- (d) otherwise exceeds or abuses its powers; the Government may, by notification in the official gazette, <sup>44</sup>[*order supersession of the Council:*]

Provided that the Government shall, before making an order, give the Council an opportunity of showing cause why such order should not be made.

(2) On the publication of an order under sub-section (1)-

- (a) persons holding office as Chairman and members of the Council shall cease to hold office; and
- (b) all functions of the Council shall, during the period of supersession, be performed by such person or authority as the Government may appoint in this behalf.

(3) The Council shall be reconstituted in accordance with this Act and Rules <sup>45</sup>[*within 90 days of its order of supersession published in the official gazette.*]

**54. Joint Committees.-** The Council may constitute joint Committees with other local authorities in furtherance of matters of common interests together and delegate any of its powers to such committees.

**55. Dispute between the Council and any other Local Authorities.-** In the event of any dispute between the Council and any other Local Authorities, the matter shall be referred to the Government for settlement and the decision of the Government shall be final in this matter.

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<sup>42</sup> The section ‘<sup>42</sup>’ was omitted by the Act no. IX of 1998. The followings were in the former section:

“**Control Over the activities of the Council.-** (1) If Government is satisfied that anything done or intended to be done by or on behalf of the Council not in conformity with law or is inconsistent with or contrary to public interest, the Government may, by order-

- (a) quash the proceeding;
- (b) suspend the execution of any resolutions passed or order given by the Council;
- (c) prohibit execution of anything proposed to be done;
- (d) require the Council to take such action as may be specified.

(2) When order under sub-section (1) is made the Council may, within thirty days of the receipt of the order, represent it to the Government.

(3) The Government shall within thirty days of the receipt of the representation either confirm or modify or set aside the order.

(4) If any reason the order is not confirmed or modified within the aforesaid period it shall be deemed to have been set aside.”

<sup>43</sup> The section was omitted by the Act no. IX of 1998. The followings were in the former section:

“**Inquiry into the affairs of Council.-** (1) The Government may, either suo moto or on the petition by any person cause an enquiry to be made by such officer as may be authorized by it in this behalf into the affairs of the Council generally or into any particular matter concerning the Council and take such remedial measures as may be warranted by the findings of such enquiry.

(2) In case of taking evidence and ensuring presence of witness as well as presentation of documents for enquiry the said enquiry officer can exercise the same powers of civil courts under code of civil procedure, 1908 (Act V of 1908).”

<sup>44</sup> The words were substituted for the words ‘declare the Council to be superseded for such period not exceeding why such order should not be made’ by the Act no. IX of 1998.

<sup>45</sup> The words were substituted for the words ‘after supersession’ by the Act no. IX of 1998.

**56. Offences.-** Every act or omission specified in the Third Schedule shall be an offence under this Act.

**57.** An offence under this Act shall be punished with fine which may extend to five hundred taka, and if the offence is a recurring one, with a further fine which may extend to twenty five taka for each day after the date of the first commission during which period the offender has persisted in the offence.

**58. Cognizance of offences.-** No court shall take cognizance of an offence under this act except on a complaint in writing received from the Chairman or a person authorized by the Council in this behalf.

**59. Compounding of offence.-** The Chairman or any person generally or specially authorized by the Council in this behalf may compound any offence under this Act.

**60. Trespass.-** (1) No person shall trespass a public road and a public place in any manner.

(2) In the event of any such trespass the Council may, be notice, direct the trespasser to stop the trespass within a prescribed time limit and if he does not comply with this order the said time limit, the Council may take proper measure to stop the trespass and no compensation shall be paid to trespasser, if he suffers any loss arising out of such measure.

(3) The expenses, incurred in taking measures for stopping the trespass, shall be deemed to be a tax imposed on the trespasser under this Act.

**61. Appeal.-** A person, aggrieved by any order passed by the Council or the Chairman in accordance with this Act or any rule or regulation, may file an appeal against it with <sup>46</sup>[*the concerned Ministry or Division*] within thirty days of its passing and the decision of <sup>47</sup>[*the concerned Ministry or Division*] on this appeal shall be final.

**62. District Police.-** (1) Notwithstanding anything contained in any Act for the time being in force, all members of the rank of <sup>48</sup>[\*] Sub-Inspector and below thereof of Rangamati Hill District Police shall be appointed by the Council in a manner laid down by regulations and the Council may transfer and take disciplinary action against them as per procedure laid down by regulations:

<sup>49</sup>[*Provided that with regard to such appointment the preference shall be given to the tribal candidates of Rangamti Hill District.*]

(2) The terms and conditions of service of all the officers and members of the District Police, appointed by the Council, and their training, uniform, duties, responsibilities and administration shall be the same as those of the other District Police, and all the laws relating to these matter as applicable to the district police shall, subject to provisions of sub-section (1) be applicable to them as well.

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<sup>46</sup> The words were substituted for the words 'Government' by the Act no. IX of 1998.

<sup>47</sup> The words were substituted for the words 'Government' by the Act no. IX of 1998.

<sup>48</sup> The word 'Assistant' was omitted by the Act no. IX of 1998.

<sup>49</sup> The words were substituted for the words 'Provided that the ratio amongst tribal, non-tribal and various other tribal people of the district in the matter of such appointment has to be maintained as far as practicable' by the Act no. IX of 1998.



(3) The officers and members of all ranks of the Rangamati Hill District Police shall, <sup>50</sup>[*subject to provisions of all other relevant laws with necessary additions,*] be responsible to the Council in the matter of discharging their duties and responsibilities.

**63. Responsibilities of the Police.-** It shall be the responsibility of all Police Officers to bring the incidence of any crime within Rangamati Hill District to the notice of the Chairman of the Council and to assist the Chairman of the Council and its officers in the exercise of lawful authority.

**64. Restriction on land transfer.-** <sup>51</sup>[(1) *Notwithstanding anything contained in any law for the time being in force- (a) no land including the khas land suitable for settlement within the jurisdiction of Rangamati Hill District shall be leased out, settled with, purchased, sold out or transferred otherwise with the prior approval of the Council;*

*Provided that, this provision shall not be applicable in case of Reserved forests, Kaptai Hydroelectricity Project area, Betbungia Earth Satellite Station, state-owned industries land recorded* <sup>52</sup>[*with the Government.*]

*(b) No land, hills and forests under the control and jurisdiction of the Council shall be acquired or transferred without consultation and consent of the Council.*

*(2) The Council shall supervise and control the functions of Headmen, Chainmen, Amins, Surveyors, Kanungos and Assistant Commissioners (land).*

*(3) Fringe land in Kaptai lake shall be settled with the original owners on the priority basis.]*

**65.** <sup>53</sup>[**Collection of land development tax.-** *Notwithstanding anything contained in any law for the time being in force, responsibility of collecting land development tax from taxable under the jurisdiction of Rangamati Hill District Council shall be vested with the Council and the said collected tax shall be credited to the Council's fund.*]

**66. Provision regarding settlement of disputes on tribal matters.-** (1) In the event of any social, cultural or tribal dispute among tribal people domiciled in Rangamati Hill District, the same should be referred to the local Karbari or Headman for settlement and he shall settle the dispute according to existing custom of the tribes concerned.

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<sup>50</sup> The words were substituted for the words 'subject to provisions of all other laws for the time being in force' by the Act no. IX of 1998.

<sup>51</sup> The section was substituted for the former section by the Act no. IX of 1998. The followings were in the former section:

Notwithstanding anything contained in any law for the time being in force, no land within the boundaries of Rangamati Hill District shall be given in settlement without the prior approval of the Council and such land cannot be transferred to a person who is not a domicile of the said district without such approval:

Provided that, this provision shall not be applicable in case of areas within the Protected and Reserved forests, Kaptai Hydroelectricity Project, Betbungia Earth Satellite Station, land transferred in Government and Public interest, land or forest required for state purposes.

<sup>52</sup> The words were substituted for the words 'in the name of government or local authorities' by the Act no. XXIX of 2000.

<sup>53</sup> The section was substituted for the former section by the Act no. IX of 1998. The followings were in the former section:

**“Special regulation regarding land Development tax.-** Notwithstanding anything contained in any law for the time being in force, the Government may, by a notification in the official gazette, entrust the responsibility of collecting land development tax and may, by a similar notification, credit the whole or a portion of such tax, realised in the district, to the Council fund as grant.”

(2) Appeal against the decision of the Karbari or Headman shall lie with the <sup>54</sup>[*Chakma Circle Chief and Bohmong Circle Chief as the case may be.*]

(3) Appeal against the decision of the <sup>55</sup>[*Chakma Circle Chief and Bohmong Circle Chief*] shall lie with the Commissioner of Chittagong Division and his decision shall be final:

Provided that, before disposal of the appeal he will consult with not less than three tribal elders nominated by the tribe concerned.

(4) For the settlement of disputes mentioned in this section, the council may, by regulation, determine-

- (a) judicial procedure;
- (b) fees payable by the plaintiff and the appellant.

**67.** <sup>56</sup>[*Co-ordination between the Council and the Government functions.- If need arises for coordination between the functions of the government and the Council, then the Government or the Council may put forth specific proposals to each other and necessary coordination shall be done through mutual contact or discussion.*]

**68. Power to make rules.-** (1) <sup>57</sup>[*The Government may, for achieving the objectives of the Act, make rules in consultation with the Council and gazette notification.*]

(2) In particular and without prejudice to the generality of the afore-mentioned power, such rules may provide for all any of the following matters, namely:

- (a) powers and duties of the Chairman and members of the Council;
- (b) maintenance of accounts and their audit;
- (c) procedure for prescribing obligations of the Officers, employees of the council and any other person;
- (d) procedure for appeal against order of the Council;
- (e) Procedure for inspection of the Council and the power of the inspector;
- (f) any other matter that should be or may determined by rules under this Act.

<sup>58</sup>[(3) *If any rule after formulation is appeared to the Council as difficult or objectionable for the hilly region, then the Council may appeal to the Government for reconsidering, amending, canceling the said rule or relaxing its application mentioning the related reasons along with a specific proposal and the Government may take necessary decisions on consideration of the appeal.*]

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<sup>54</sup> The words were substituted for the words 'Rangamati Chakma Chief' by the Act no. XXIX of 2000.

<sup>55</sup> The words were substituted for the words 'Chakma Chief' by the Act no. XXIX of 2000.

<sup>56</sup> The section was substituted for the former section by the Act no. IX of 1998. The followings were in the former section:

**“Order regarding co-ordination of council and government activities.-** The Government may, if deemed necessary, by order make provisions for co-ordination of activities between the Council and Government authorities.”

<sup>57</sup> The sub-section was substituted for the former sub-section “The Government may, by notification in the official gazette, make rules for carrying out the purposes of this Act” by the Act no. IX of 1998.

<sup>58</sup> The sub-section was added by the Act no. IX of 1998.

**69. Power to make regulations.-** (1) For carrying out the purposes of this Act, the Council may <sup>59</sup>[\*] make regulations not inconsistent with the provisions of this Act or any rule.

<sup>60</sup>[*Provided that if the Government does not agree with any part of the Regulations made, it shall be competent to give advice or directive to the Council towards amendments of the said regulations.*]

(2) In particular and without prejudice to the generality of the foregoing powers, provisions may be made for all any of the following matters in such regulations, namely:

- (a) conduct of business of the Council;
- (b) prescribing quorum for Council meeting;
- (c) raising of Council meeting;
- (d) convening of Council meeting;
- (e) recording of proceedings of the Council meeting;
- (f) implementation of resolution passed in the Council meeting;
- (g) custody and use of the common seal;
- (h) <sup>61</sup>[\*];
- (i) formation of departments and sections of the Council office and determining the jurisdiction thereof;
- (j) all matters relating to the execution of work;
- (k) appointment and discipline of all officers and employees to be appointed by the Council;
- (l) all matters regarding levy and collection of taxes, tolls and fees;
- (m) prevention of trespass on Council property;
- (n) registration of sale of cattleheads and other animals;
- (o) registration, management and control of orphanage, widow home and other relief organisations for the poor;
- (p) management and control of public properties;
- (q) implementation of vaccination programme;
- (r) prevention and control of infections diseases;
- (s) prevention of food adulteration;
- (t) prevention of public nuisance;
- (u) control of dangerous and harmful trade and commerce;
- (v) management and control of cattle fold;
- (x) traffic control;
- (y) holding and control of faire, exhibition, sports; matches and public rallies;
- (z) implementation of compulsory education programme;
- (aa) prevention of beggary, juvenile delinquency, prosecution and other anti-social activities;
- (bb) prescribing the circumstances requiring license and the conditions for granting thereof;
- (cc) any other matter that should be or may be controlled by regulations under this act.

(3) Each regulation shall be published in such a manner as in the opinion of the Council, will make the public well informed about it.

**70.** <sup>62</sup>[\*]

**71. Institution of suits against the Council.-** (1) No shall be instituted against the Council or against any member, officer or employee of the council in respect of any act done or purporting to be

<sup>59</sup> The words ‘with the prior approval of the Government’ were omitted by the Act no. IX of 1998.

<sup>60</sup> The words were inserted by the Act no. IX of 1998.

<sup>61</sup> The sub-section ‘delegation of Chairman’s power to an officer of the Council’ was omitted by the Act no. IX of 1998.

<sup>62</sup> The section was omitted by the Act no. IX of 1998. The followings were in the omitted section:

**“Delegation of power.-** The government may, by notification in the official gazette, delegate all or any of the powers under this Act to any person or authority.”

done in official capacity unless a notice in writing, stating the cause of action and the name and place of abode of the intending plaintiff :

- (a) in the case of the Council, has been delivered or left at its office;
- (b) in the case of a member, officer or employee, has been delivered to him or left at his office or place of residence; and
- (2) Until the expiration of one month after notice in writing has been delivered or left at the office or place of residence and the place of residence and the plaint shall contain a statement that such notice has been so delivered or left.

**72. Notice and service thereof.-** (1) Where anything is required to be done or not to be done by any person under this Act or the rules or regulations, a notice shall be served on the person concerned specifying the time which the requirement shall be complied with.

(2) No notice shall be invalid for defect of form.

(3) Every notice shall, unless otherwise provided, be served or presented by giving or tendering the notice or sending it by post person for whom it is intended or by affixing it on some conspicuous part of his place of abode or business.

(4) A notice intended for the public in general shall be deemed to have been sufficiently served if a copy thereof is affixed in such public place as may be determined by the Council.

**73. Records to be public documents.-** All records or registers maintained under this Act shall be defined to be public documents within the meaning of the Evidence Act, 1872 (1 of 1872) and, shall be presumed to be genuine until the contrary is proved.

**74. The Chairman, members, etc. of the Council be public servants.-** Every Chairman and other members and officers and employees of the Council and every other person duly employees to act on behalf of the Council, shall be a public servant within the meaning of section 21 of the Penal Code (Act XLV of 1860).

**75. Protection of actions taken in good faith, etc.-** No suit, prosecution or other legal proceedings shall lie against the Government or the Council or against any person authorised by either, for anything which is in good faith done or intended to be done under this Act or the rules or regulations or for any damage caused or likely to be caused by any such thing.

**76. Repeal and savings.-** (1) Immediately upon the constitution of the Rangamati Hill District Council in accordance with the provisions of this Act, the Local Government (District Council) Act, 1988 (Act XXIX of 1988) hereinafter called the said Act, shall stand repealed in Rangamati Hill District.

(2) After the said Act is replaced in such manner-

- (a) Rangamti Local District Council, hereinafter called the said District Council, shall stand abolished;
- (b) All rules, regulations and bye-laws made or deemed to have been made under the said Act, all orders given or deemed to have been given, all notices issued or deemed to have been issued all licenses and permits sanctioned or deemed to have been sanctioned, subject to their being consistent with the provisions of this Act, shall, until repealed or modified remain enforced and shall be deemed to have been made, given, issued or sanctioned under this Act and all the said bye-laws shall be treated as regulations;

- (c) All assets, rights, powers, authority and privileges, all movable and immovable properties, funds, cash and bank balance, investments of the said District Council and all rights and interests arising out of such properties shall stand transferred to and vest in the council;
- (d) All debts, obligations and liabilities incurred by the said District Council or all contracts entered into by or with the council shall be deemed to have been incurred entered into or engaged to be done by, with or for the Council;
- (e) All budget estimates, projects and plans made by the said Council or taxes assessed and levied it, subject to their being consistent with the provisions of this Act, shall until repealed or amended, remain enforced and shall be deemed to have been made, performed or levied by the Council under this Act;
- (f) All taxes, rates, tolls, fees and other moneys which are dues of the said District Council shall be deemed to be the dues of the Council under this Act;
- (g) All taxes, rates, tolls and fees levied by the said District Council and other demands prior to the repeal of the said Act shall continue until changed by the Council;
- (h) All officers and employees of the said District Council shall stand transferred under the Council and shall be its officers and employees and serve under the Council on the same term and conditions as were applicable before the transfer, if not changed by the Council;
- (i) All pending suits filed by or against the said District Council shall be deemed to be the suits by or against the District Council shall be deemed to be the suits filed by or against the Council.

**77. Certain matters to be prescribed-** Where this Act makes any provision for some functions in this Act, but no provision exists about the authority and the procedure for performing the function, the said function may be discharged by the authority and in the manner to be prescribed by rules.

**78. Removal of difficulties-** If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, do anything which appears to it to be necessary for the purpose of removing the difficulty.

**79. Objections regarding provisions of any law-** If any law, passed by the Jatiya Sangsad, applicable to Rangamati Hill District, is found to be hurtful to the district or objectionable to the tribal people in the opinion of the Council, it may file a petition in writing to the Government stating the reasons of its being hurtful or objectionable for the purpose of amending or relaxing its application in writing to the Government and the Government may adopt necessary remedial measures <sup>63</sup>[*in the light of the petition.*]

## **FIRST SCHEDULE**

### **Functions of the Council**

(See section 22)

1. <sup>64</sup>[*Supervision,*] maintenance and improvement of the law and order of the district.
2. Coordination of the development activities of local authorities of the district; monitoring the implementation of its development projects and audit thereof; rendering assistance, cooperation and encouragement.

<sup>63</sup> The words were substituted for the words 'after being considered its reasonableness in the light of the petition' by the Act no. IX of 1998.

<sup>64</sup> The word was inserted by the Act no. IX of 1998.

**3. Education-**

- (a) establishment and maintenance of primary schools;
- (b) establishment and maintenance of public libraries;
- (c) provision of scholarships and stipends;
- (d) establishment and maintenance of hostels;
- (e) training of primary teachers;
- (f) grant-in-aid to educational institutions;
- (g) arrangement of adult education;
- (h) provision of food and supply of milk to child students;
- (i) supply of text books free or at reduced price amongst poor and distressed students;
- (j) setting up and management of sales centres for text books and educational materials;
- <sup>65</sup>[(k) *Vocational education*;
- (l) *Primary education through mother tongue*;
- (m) *Secondary education.*]

**4. Health-**

- (a) establishment and maintenance of hospitals, clinics, first-aid centre and dispensaries;
- (b) formation of mobile medical units and encouragement information of societies for giving medical aid;
- (c) training of midwives;
- (d) control and prevention of malaria and infectious diseases;
- (e) adoption and implementation of family planning programme;
- (f) establishment, maintenance and inspection of health centres;
- (g) inspection of duties of compounders, nurses and other health workers;
- (h) arrangement for primary healthcare.

**5.****6. Agriculture and forests-**

- (a) agricultural development and setting up and maintenance of agriculture farms;
- (b) development and conservation of forest <sup>66</sup>[\*] unreserved by the Government;
- (c) popularization of improved agricultural method, maintenance of improved farm implements and giving those implements to the farmers on loan;
- (d) taking measures for cultivation of fallow lands;
- (e) conservation of forestry in rural areas;
- (f) construction and repair of embankments and supply, collection and control of water for agricultural purpose without causing hindrance to Kaptai Hydro Electricity Projects;
- (g) development of agricultural education;
- (h) conservation and reclamation of land and drainage mars;
- (i) maintenance of crop statistics, measures for crop security, seed loan for sowing and distribution of chemical fertilizer and popularization of its use;
- (j) plantation of trees on road sides, public places and their maintenance.

**7. Animal husbandry-**

- (a) promotion of livestock and poultry;
- (b) establishment and maintenance of veterinary hospitals;
- (c) building up stock of cattle folder;
- (d) preservation of domestic livestock ;
- (e) provision and development of pasture land;
- (f) prevention and eradication of poultry diseases and prevention and control of infectious poultry diseases;
- (g) setting up milk villages and provision and control of sanitary cattle sheds;
- (h) setting up and maintenance of domestic cattle farms;
- (i) setting up and maintenance of poultry farms;

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<sup>65</sup> The subjects were added by the Act no. IX of 1998.

<sup>66</sup> The words 'reserved and' were omitted by the Act no. IX of 1998.

- (j) taking measures for improvement of domestic livestock and poultry farming;
- (k) setting up and maintenance of dairy farms.

8. Promotion of fisheries, establishment and maintenance of fishery farms, prevention and control of fishery diseases.

9. Promotion, popularization of and giving encouragement to cooperatives.

**10. Trade and commerce-**

- (a) establishment of and giving encouragement to small and cottage industries;
- (b) preparation and implementation of indigenous commercial project;
- (c) establishment, control and maintenance haats and markets;
- (d) procurement of raw materials for rural industries and marketing arrangement of the products;
- (e) training of workers of the rural industries.
- (f) establishment and maintenance of rural sales centres.

**11. Social welfare-**

- (a) welfare homes for the destitute, homes for shelterless, orphanages, widow homes and establishment and maintenance of other welfare institutions;
- (b) arranging burial or funeral rites of pauper;
- (c) prevention of beggary, prostitution, gambling, drug addiction, juvenile delinquency and other social evils;
- (d) promotion of social, civic and patriotic qualities amongst the citizens;
- (e) organising legal aid for the poor;
- (f) taking measures for settlement of disputes through arbitration and compromise;
- (g) relief and rehabilitation of the destitute and uprooted families;
- (h) taking other social welfare and social upliftment measures.

**12. Culture-**

- (a) organising and encouraging general and tribal cultural activities;
- (b) organising sports and games for the public;
- (c) providing and maintenance of radio in the public places;
- (d) setting up of museums and art galleries and organising exhibition;
- (e) establishment of public halls and community centres and arranging space for public meetings;
- (f) spreading of civic education and publication of information on local Government , rural development, agriculture, cattle breeding and other matters of public interests;
- (g) celebration of national day and tribal festivals;
- (h) reception of distinguished guests;
- (i) promotion of gymnastics, encouragement to sports and organising rallies and matches;
- (j) preservation of historical and original characteristics of the local areas;
- (k) establishment and maintenance of information centres;
- (l) other cultural promotion measures;

13. Construction, maintenance and development of highways, culverts and bridges not reserved by the Government or any local authority.

14. management and control of such ferries which are not maintained by the Government or any local authority.

15. Provision of public parks, sports grounds and open spaces and maintenance thereof.

16. Establishment and maintenance of inns, inspection bungalows and rest houses.

17. Implementation of development plans entrusted to the Council by the Government.

18. Development of communication system;

19. Provision of drainage and water supply system, metalling of roads and other essential public welfare activities.

20. Preparation of plans for local development.

21. Taking measures of religious, moral and economic upliftment of the locality and its inhabitants.
- <sup>67</sup>[22. *Police (local).*
23. *Tribal custom, tradition and social justice system.*
24. *Land and land management.*
25. *Proper utilization and irrigation of the water resources of rivulet, canal, and streams other than Kaptai lake.*
26. *Conservation and development of ecology.*
27. *Youth welfare.*
28. *Local tourism.*
29. *Improvement trust and other local Government organization except Pourashava and Union Parishad.*
30. *Issuing license for local industries and business.*
31. *Preservation of statistics on death-birth and others.*
32. *Money lending business.*
33. *Jum cultivation.*]

## **SECOND SCHEDULE**

<sup>68</sup>[**Taxes, rates, toll and fees to be levied by the Council and royalties from other Government sources**]

**(See section 44)**

1. Portion of the tax levied on transfer of movable property.
2. Tax on advertisement.
3. Tolls on roads, bridge and ferries maintained by the Council.
4. Rates of public welfare activities by the Council.
5. Fees from school established and managed by the Council.
6. Fees for benefits acquiring from public welfare activities done by the Council.
7. Fees for rendering special services by the Council.
- <sup>69</sup>[8. *Registration fees from non-mechanical transport;*
9. *Tax on sale and purchase of goods;*
10. *Holding tax on land and building;*
11. *Tax on sale of domestic animals;*
12. *Fees from social justice system;*
13. *Holding tax on Government and non-Government industries;*
14. *Part of the royalties from forest resources.*
15. *Supplementary tax on cinema, theatre and circus etc.;*
16. *Part of royalties from license or lease given by the Government for exploration and extraction of mineral resources;*
17. *Tax on trade and business;*
18. *Tax on lottery;*
19. *Tax on fishing;*
20. *Any tax to be levied by the Council for which the Government has given the authorization.]*

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<sup>67</sup> The subjects were added by the Act no. IX of 1998.

<sup>68</sup> The words were substituted for the words 'Taxes, rates, tolls and fees which may be levied by the Council' by the Act no. IX of 1998.

<sup>69</sup> The entries were added by the Act no. IX of 1998.



**THIRD SCHEDULE****Offences under this Act****(See section 56)**

1. Evasion of payment of taxes, tolls, rates and fees levied lawfully by the Council.
2. Failure to furnish on requisition information in respect of matter which the Council is authorized to call for under any of the provisions of this Act or rules of regulations or furnishing wrong information.
3. Doing an act without license when the doing of such act requires a license or permission under any provision of this Act, rules or regulations.
4. Trespass on public roads without the approval of the Council.
5. Such act that pollutes drinking water or renders it unfit for use.
6. Drinking water from a source which has been prohibited under this Act on the suspicion of being dangerous to public health.
7. Allowing cattle or other animals to drink, defecate, urinate and bathe near the source of drinking water used by the public.
8. Sinking of hemp, jute or any other plants in or near ponds or pools situated within the distance from the residential areas prescribed under this Act.
9. Setting up tannery within the distance from the residential area prescribed under this Act.
10. Excavation of earth and quarrying of stone or any other materials within the distance from the residential areas prescribed under this Act.
11. Setting up kilns for brick, lime, charcoal and potteries within the distance from the residential areas prohibited by the Council.
12. Disposal of carcass within the distance from the residential areas prohibited by the Council.
13. Despite directive issued under this Act, failure to remove garbage from any land or building, animal excretes, manure or any other foul-smelling materials.
14. Despite directive issued under this Act, failure to disinfect, clean, repair, cover or maintain properly any latrine, urinal, drain, night-soil trench, water and any other place or bin for disposal of garbage or waste materials.
15. Failure to remove or clear weeds, bushes or creepers from any land by its owner or occupant in spite of being declared uncongenial for public health or environment under this Act.
16. Failure by the owner or occupant of any place to cut, remove or prune any weeds, creepers or trees growing close to public roads and overhanging on the roads or any pond, well and any other source of water for public use and thus causing obstruction to movement or pollution of water.
17. Cultivation of any crop, application of fertilizers, declared harmful to public health or the adjoining areas under this Act, or irrigation of land by a method declared harmful.
18. Allowing without permission in accordance with provisions under this Act, either willfully or neglectfully, excretes from latrine-well or drains or any other harmful material to spilt or overflow on to public roads or places or to fall into drains, canals or sewers not meant for such purpose.
19. Failure on the part of the owner or the occupant of any well, pond or source of water supply, declared harmful for public health or the adjoining areas under this Act, to clean, repair, cover or drain out.

20. Failure on the part of the owner or the occupant of any land or building, having been directed under provisions of this Act, to provide proper conduit or gutter to help flow water or refuge from such land or building.
21. Failure on the part of a medical officer on duty to report the Council about the outbreak of an infectious disease in spite of being in the knowledge about it.
22. Failure on the part of a person to report to the Council about the outbreak of an infectious disease in any building in spite of being in the knowledge about it.
23. Failure on the part of the owner or the occupant of an infected building to disinfect the same.
24. Sale food or beverage by a person attacked with an infectious disease.
25. Failure by the owner or the driver of an infected vehicle to disinfect the same.
26. Feeding or allowing to take harmful fodder by animals meant for milk or meat.
27. Slaughter of animals for sale of meat at a place other than that earmarked for such purpose.
28. Cheating buyers by supplying food or beverage of a quality which is inferior to or different from the requirement placed by the buyers.
29. Repeated importunate solicitation for alms or exhibiting any deformed or putrid of he body or any secreting sore.
30. Establishing or running brothel in an area prohibited for this purpose.
31. Cutting of any tree or its branches or constructing or breaking any building or any portion thereof, despite such actions declared as dangerous or disturbing to public under this Act.
32. Construction of any road within the approval of the Council.
33. Affixing of any advertisement, notice, placard or any publicity material at places other than at the prescribed ones for this purpose.
34. Stacking of wood, straw or any other combustible materials in a manner declared dangerous under this Act.
35. Organising picketing, keeping animals, crowding of vehicles on any road or using a road as a parking of vehicles or halting place for animals or for pitching tents without necessary permission under this Act.
36. Allowing domestic animals to roam hither and thither.
37. Driving of any transport without proper arrangement of light half an hour after sun-down and before sun rise.
38. Not keeping to the left of the road while driving vehicles without valid reason or not remaining on the right of other traffic rules.
39. Playing of radio or other musical instruments, beating of drums, blowing of trumpets or making sound with the help ob bell metals or any other items, in violation of a prohibition issued under this Act.
40. Firing of firearms, exploding of crackers and fireworks in a manner that is likely to cause danger or harm to pedestrians or residents of the neighboring areas or people at work.
41. Cutting of trees, construction of buildings or conducting an excavation or detonation without necessary permission under this Act.
42. Burial or cremation at places other than the recognized graveyard or place of cremation without necessary permission under this Act.
43. Letting loose or inciting a ferocious dog or any other fearsome animal uncontrollably.
44. Failure to demolish or reinforce any building declared as dangerous under this Act.

45. Living or letting live in building declared unfit for human habitation under this Act.
46. Failure to whitewash or repair any building required under provisions of this Act.
47. Violation of any order, directive or proclamation given or any notification issued under this Act or rule.
48. Attempt or abetment to commit offences enumerated in this schedule.

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