

# Chittagong Hill Tracts Regional Council Act, 1998 (Act 12 of 1998)

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The following Act passed by the Jatiya Sangsad received the assent of the Present on May 24, 1998 (10<sup>th</sup> Jaistha 1405) and is hereby published for the information of the general public.

## Act 12 of 1998

Enacted for the establishment of Chittagong Hill Tracts Regional Council.

Whereas Chittagong Hill Tracts is a regional inhabited by backward tribal people and it is necessary to adopt special measures for development of underdeveloped areas; and

Whereas it is necessary to improve more of the political, social, cultural, educational and economic rights of all people of Chittagong Hill Tracts including the tribal people of the region, and expedite the process of socio-economic development; and

Where as Keeping in view of the above aims for the purpose of overall development of all people of Bangladesh including the above mentioned objectives under the framework of the constitution of the People's Republic of Bangladesh the National Committee on Chittagong Hill Tracts and Chittagong Hill Tracts Jana Sanghati Samity expressing full and total allegiance to sovereignty and territorial integrity of Bangladesh, signed an agreement on December 2, 1997/18<sup>th</sup> Agrahayan, 1404; and

Whereas it is expedient and necessary to provide for setting up a Regional Council for coordinating the activities of the three Hill District Councils and performing other relevant functions as part of implementation of that agreement;

It is, therefore, enacted as follows:-

**1. Short title and inauguration:** (1) This act shall be called Chittagong Hill Tracts Regional Council Act, 1998

(2) This Act shall come into force from the date fixed and announced by the Government in the official gazette.

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

- a) "Non-Tribal" means a person who is not a tribal;
- b) "Non-Tribal Permanent Resident" means a person who is not a tribal person but has legal land house in hill district and generally resides in a definite address of that district;
- c) "Tribal" means a tribal member of the Chakma, Marma, Tanchangya, Tripura, Lusai, Pankho, Khyang, Mro, Bome, Khumi and Chak tribes living permanently in Hill Districts.
- d) "Chairman" means chairman of the council;

- e) “Council” means Chittagong Hill Tracts Regional Council set up under this act.
- f) “Hill Districts” mean Rangamati, Khagrachari and Bandarban Hill Districts.
- g) “Hill District Council” means Rangamati Hill District Council, Khagrachari Hill District Council and Bandarban Hill District Council;
- h) “Regulation” means any regulation made under this Act;
- i) “Rule” means any rule made under this Act;
- j) “Member” means member of the council;
- k) “Local Authority” means any statutory body of the Hill Districts formed by or under any law.

**3. Establishment of the Chittagong Hill Tracts Regional Council:** (1) A Council called Chittagong Hill Tracts Regional Council shall be formed under the provisions of this Act as soon as possible after this Act has come into force.

(2) The council shall be a statutory body having its permanent continuity and a common seal and, subject to the provision of this Act and Rules shall have the right to acquire its movable and immovable properties and to keep in possession and transfer of them and file cases in its name or cases shall be filed against the council.

**4. The office of the council, etc:** (1) The head office of the council shall be located in a place of the hill districts fixed by the government.

(2) The council, subject to the approval of the government, can set up branch offices in hill districts.

**5. Formation of the council:** (1) Subject to the provisions of this section the council shall be set up comprising the following members, for example:-

- a) Chairman;
- b) Twelve Tribal Members;
- c) Six Non-Tribal Members;
- d) Two Tribal Female Members;
- e) One Non-Tribal Female Members;
- f) Chairman of the three Hill District Councils, ex-officio;

(2) Chairman shall be elected from among tribal people.

(3) Of the tribal members, as mentioned in sub-section (1)(b),

- a) Five shall be elected from Chakma tribe
- b) Three shall be elected from Marma tribe.
- c) Two shall be elected from Tripura tribe.
- d) One shall be elected from the Mro and Tanchangya tribe.
- e) One shall be elected from Lushai, Bom, Pankho, Khumi, Chak and Khiang tribe.

(4) Of the non-tribal members as mentioned in sub-section 1(c), two shall be elected from each of the hill districts.

(5) Of the tribal female members, as mentioned in sub-section 1(d), one shall be elected from among the Chakma tribal woman and the remaining one shall be elected from among the other tribal women.

(6) As regards the non-tribal female member, as mentioned in sub-section 1(c) she shall be elected from among the non-tribal women of the three hill districts.

(7) The members of the council, as mentioned in sub-section 1(f), shall have the right to vote.

(8) Whether a person is non-tribal or not and if he is non-tribal, then to which community does he 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.

(9) Whether a person is tribal or not and if he is a tribal, then to which tribe does he belong shall be decided and determined by the Circle Chief and no tribal person shall be eligible to contest for the post of chairman or tribal member without certificates given to this effect by the Circle Chief.

**6. Election of Chairman and other Members:** The Chairman and other members of the council except the members as mentioned in section 5(1)(f), shall be elected by the Chairmen and other members of the Hill District Councils, as per rules.

**7. Eligibility and ineligibility of Chairman:** (1) Any person eligible to become a tribal member shall be eligible for election as chairman.

(2) Any person, not eligible to become or continue to be, a tribal member by election shall not be eligible to become or continue to be a Chairman.

**8. Eligibility and ineligibility for election as tribal and Non-Tribal Members:** (1) Any person, who is a citizen of Bangladesh, a permanent resident of any hill district, a member of a tribal people and has attained the age of 25 years, shall be eligible, subject to the provision contained in sub-section (3), for election as a tribal member for the seat reserved for this tribe.

(2) Any person, who is a citizen of Bangladesh, a permanent resident of any hill district, a non-tribal and has attained the age of 25 years, shall be eligible, subject to the provision contained in sub-section (3), to be elected a non-tribal member for the seat reserved for non-tribals.

(3) No person shall be eligible to be elected, and continued to be, a tribal or non-tribal member, if-

- a) he forsakes or loses the citizenship of Bangladesh;
- b) he is declared an insane person by a court;
- c) he has not been relieved of indebtedness after having been declared insolvent;
- d) he leaves the hill district for living elsewhere permanently;
- e) he is convicted for moral turpitude by a criminal court for at least two years and a period of five years has not elapsed after his release;
- f) he holds a full time office of profit of the Republic, the council or any other local authority;
- g) he is, and continues to be a Member of Parliament or a chairman or a member of any local authority in the hill districts;
- h) he has defaulted in paying any outstanding loan received from Sonali Bank, Agrani Bank, Janata Bank, Rupali Bank, Shilpa Bank, Shilpa Rin Sangstha or Krishi Bank or any other scheduled Bank or any other financial institution.

**Explanation:** Financial institution, as mentioned in sub-section (h), means any financial institution as referred to in Financial Establishment Act, 1993 (Act 27 of 1993)

**9. Oath-taking by Chairman and Members:** The person elected to the post of chairman or member, before taking charge, shall take an oath or make a declaration and the oath-taking and declaration persons before a judge of the High Court Division selected for this purpose by the President of the State in the following form, for example:-

“I ..... Father/husband ..... after being elected chairman/member of the Chittagong Hill Tracts Regional Council do hereby solemnly swear and declare that I shall perform my duties of my post with faithfulness and according to law and I shall be fully loyal to Bangladesh with genuine faith.”

**10. Declaration Relating to Property:** The Chairman and every Member, before taking charge, shall submit, under election rules, a written statement of all movable and immovable property in which he or any member of this family has title, possession and interest.

**Explanation:** “Family member” means the husband or wife of the concerned chairman or member and his children, father-mother and brothers and sisters who are fully dependent on him and are living with him.

**11. Facilities of chairman and Members:** (1) The chairman shall have the status, and enjoy other facilities of a State Minister of the Government.

(2) The facilities of other members shall be decided by the regulation.

**12. Tenure of the Council:** Unless dissolved under Clause 41, the council shall have a tenure of five years from the date of its first session:

Provided that even after expiry of the tenure, the council shall continue its functions until the first session of the newly-elected council.

**13. Resignation of Chairman and Members:** (1) The chairman in a letter signed and addressed to the government any member in a letter signed and addressed to the Chairman can tender his resignation.

(2) The resignation shall be effective from the date the resignation is accepted and the post of the chairman/member shall fall vacant.

**14. Removal of Chairman, Members:** (1) The chairman or any member shall be liable to removal if he-

- remains absent from three consecutive meeting of the council without any reasonable ground;
- refuses to perform his duties and responsibilities or becomes unable to perform such duties/responsibilities due to physical and mental inabilities; or
- is found guilty of misconduct or misuse of power, misappropriates the money of the council or damages its property or is held responsible for such misappropriation.

**Explanation:** In this sub-section “Misconduct” means misuse of power, corruption, nepotism and deliberate bad administration.

(2) The chairman or any member shall not be removed from his post, on any ground under sub-section (1), unless the proposal for his removal has been adopted by at least three-fourths votes of the total number of members, excepting those mentioned in section 5(1)(f), at a special session of the council called for the purpose under rules and the proposal has been approved to be taken against him.

Provided that before taking the above decision, the chairman or the member shall have to be given a reasonable and appropriate opportunity to explain his position regarding the action decision proposed to be taken against him.

(3) If the decision is approved as per sub-section (2), the chairman or the member shall stand removed from his post.

(4) Notwithstanding anything contained in any provision of this Act, any person removed under this section shall not be eligible for election to any post for the remaining tenure of council

**15. Vacancy in the Posts of Chairman and members:** (1) The post of Chairman or any Member shall fall vacant if:-

a) he fails to take an oath or make a declaration under section 9 within thirty days from the date of publication of his name in the official gazette:

Provided that the government, before the expiry of the period, may extend the time on reasonable grounds.

- He becomes ineligible to continue in the post as per section 7 and 8;
- He resigns under 13;
- He is removed from his post under section 14;

e) He dies.

(2) If any dispute arises as to whether the Chairman or any member after his election has become ineligible under sections 7 and 8, then the Chief Executive Officer of the Council shall refer the matter for disposal to the District Judge having jurisdiction over the hill district where the Head Office of the council is situated and if the District Judge expressed his opinion:

Provided that if any such matter under this sub-section is referred to the District Judge, he shall give his opinion on the matter within not more than 30 days of the receipt of the letter.

(3) If the post of the chairman or the member falls vacant, this matter shall be published in the official gazette, mentioning the date from which the post fell vacant, for the information of all concerned.

**16. Acting Chairman:** If the post of the Chairman falls vacant due to some reasons of he is unable to perform his duties and functions on the grounds of absence, illness or any other reason, the members of the council shall elect from among the Tribal members an acting chairman until a newly elected chairman has joined his post or the chairman has been able to resume his duties and the member to select shall act as chairman.

**17. By-election:** If the post of the Chairman or any member falls vacant before the expiry of the tenure of the council, then the vacant post shall have to be filled through by-election under rules within 60 days after the seat fell vacant or the District Judge gave the opinion that the seat had fallen vacant under section 15(2) and the person so elected to the post shall hold the office for the remaining tenure of the council.

**18. Time for election to the Council:** (1) The general election to the council shall be held within 60 days after the expiry of the tenure of the council.

(2) If the council is dissolved under section 41, then the general election shall be held under section 41(3).

**19. Ineligibility to contest for the two posts at the same time.** No person shall be eligible to contest for the post of chairman and member simultaneously.

**20. Conduct of election:** (1) The Election Commissioner, set up under the constitution of the People's Republic of Bangladesh, herein after referred to as the election of the chairman and members.

(2) The government, in an official gazette, shall formulate rules and regulations for election of the chairman and members and shall include in those rules and regulations the provisions for all or any of the following subjects, for example:

- a) Appointment of Returning Officer, Presiding Officer and Polling Officer for conducting the election and their powers and responsibilities;
- b) Preparation of Voter list;
- c) Nomination of candidates, objections to nominations and scrutiny of nominations;
- d) Security deposit by candidates and return or confiscation of the security money;
- e) Withdrawal of candidates;
- f) Appointment of agents by candidates;
- g) System of election in case of contest and no-contest;
- h) Time and place of polling voting and other matters relating to election;
- i) System of voting;
- j) Custody and distribution of ballot papers relating to election;
- k) Situation under which voting can be suspended and resumed;
- l) Election expenditure;
- m) Corrupt or illegal parties in election and other electoral offenses and their punishment;
- n) Election disputes and their trial and disposal; and
- o) Any other matters related to election.

(3) Under sub-section (2)(m), provision may be made for imprisonment, fine or both, the term of imprisonment shall not be more than two years and the amount of fine shall not be more than Tk. Five Thousand.

**21. Publication of results of the election of Chairman and Members:** The Election Commissioner shall punish, in official gazette, the names of the elected chairman and members as soon as possible after the election.

**22. The functions of the Council shall be as follows, for example:-**

a) Overall supervision and coordination of all development activities under the Hill District Councils and all other matters entrusted to them:

Provided that if the Regional Council, during supervision and coordination under this section, has any dispute on a matter with a hill district council or with more than one hill district council, then the decision of the Regional Council, under this Act, shall be final.

b) Supervision and coordination of the local councils including municipalities;

c) Overall supervision and coordination of the Chittagong Hill Tracts Development Board set up under the Chittagong Hill Tracts Development Board Ordinance, 1976 (LXXVII of 1976);

d) Supervision and coordination of the general administration of the hill districts, law and order and development;

e) Supervision and coordination of tribal traditions, practices etc. and social justice;

f) Issuing licenses for setting up heavy industries in hill districts in keeping with the National Industrial Policy.

g) To conduct disaster management and relief work and co-ordinating of NGO activities.

**23. Executive Powers:** (1) The council shall have powers for smooth functioning of all activities under this act.

(2) Unless there are any different provisions in this Act or regulations, the executive powers of the council shall vest in the chairman and these powers shall be exercised by the chairman directly or by any person empowered by him.

(3) Any executive or other action of the council shall be deemed to have been taken/published in the name of the council and shall be sealed and preformed as per regulations.

**24. Performance of activities:** (1) The activities of the council shall be conducted, as per council regulations, through committee meetings or through the chairman, members and officers and employees.

(2) The chairman and in his absence a member elected by members from among the tribal members present at a meeting shall provide over all meetings of the council

(3) The proceeding or activities of the council shall not be illegal simply because of the facts that any member post of the council is vacant, or there is any flaw in the information of the council, or any person has attended the meeting of the council, cast his vote or taken part in the proceedings of the council in any way although he had no such rights.

(4) A copy of the minutes/proceedings of every meeting of the council shall be sent to the government within fourteen days after the holding of such a meeting.

**25. Committee:** The council shall, if necessary, form committees for assistance in its work and shall fix the number of members of the committee, its responsibilities and activities.

**26. Agreements:** (1) All agreement entered into and executed by the council or on its behalf:-

a) Shall be in the written form and shall be published to have been executed by the council.

b) Shall be executed as per regulation.

(2) Immediately after the execution of the agreement, the chairman shall hold a meeting of the council and inform the members of the agreement.

(3) The council can, through a proposal, fix a system for execution of various kinds of agreement and the chairman shall act according to proposal in case of execution of agreements.

(4) Any agreement executed in violation of this section shall not be devolving on, and the responsibility of the council.

**27. Correspondence, Files, etc.:** The Council:

- a) shall maintain the files/documents of its functions according to the system fixed by regulation
- b) shall prepare periodical reports and statements on subjects and publish the same as per regulations.
- c) shall also take other steps if necessary, and asked by the government, for publication of reports on its functions.

**28. Chief Executive Officer of the Council:** There shall be a Chief Executive Officer for the council and he shall be appointed from among the Joint Secretary level officers of the government.

Provided that in such appointment, the officers belonging to the tribal community shall be given preference.

**29. Appointment of officers and employees of the council:** (1) The council can, subject to the approval of the government, create the posts officers and employees of different categories for the purpose of proper and smooth functioning of the activities of the council;

Provided that in appointment to such posts, the members of the tribal community of the hill districts shall be given preference.

(2) The council can make appointment to class-III and class-IV posts and can transfer and suspend, or dismiss the employees give them any other punishment.

(3) To other posts of council, the government can appoint officers in consultation with the council as per rules, and the government can transfer them or suspend, dismiss, remove or give them any other punishment.

**30. Provident Fund etc.:** (1) The council can create a Provident Fund for its officers and employees and can ask the officers and employees to contribute to the fund as per rates fixed by regulation.

(2) The council can contribute to the Provident Fund.

(3) If any officer or employee dies after being ill and injured while discharging his duties entrusted to him, the council, with prior permission of the government, can provide gratuity, as per regulations, to the family of deceased officer or employee.

(4) The council can introduce, a social group of insurance scheme as per regulation for its officers and employees and ask them to contribute to the scheme.

(5) The council can introduce Benevolent Fund for its employees as per regulation and from this fund can provide gratuity under sub-section (3) and other assistance, as per regulations.

(6) The council can contribute to the fund set up under sub-section (5).

**31. Service Regulations:** The council can:-

- a) frame and formulate service conditions of the officers and employees appointed by the council;

- b) frame guidelines and qualifications for appointments to such posts as to be filled up by the council;
- c) provide for the process of investigation to be followed in case of disciplinary action against them and appeal against punishment;
- d) provide for necessary rules for smooth and proper performance of the duties and responsibilities of its officers and employees.

**32. Council Fund etc.:** (1) The council shall have a fund called Chittagong Hill Tracts Regional Council Fund.

(2) The following moneys shall be deposited with the council fund, for example:-

- a) All moneys, payable from the Hill District Council Funds, fixed by the government from time to time.
- b) Money or profits earned from property, if any, entrusted to and managed by the council.
- c) Loans or grants received from the Government or other authorities;
- d) Donations given by any organization or person;
- e) Profits earned from investments of the Council's funds;
- f) Any money received by the council;
- g) Money received from other income sources entrusted to the Council by Government directives.

**33. Preservation, investment etc. of the Council's fund:** (1) Funds of the council shall be kept in a Government treasury or a Government scheduled bank.

(2) The council may invest its funds, if need be, following the process specified.

**34. Use of the Council's Funds:** (1) Funds of the Council may be expended in the following sectors according to their priorities:-

Firstly, disbursement of salary and allowance of officials and employees of the council;

Secondly, expenses made obligatory for Council's funds in sub-section (2);

Thirdly, expenses towards the Council carrying its duties and bearing responsibilities as are entrusted to the Council through this Act;

Fourthly, obligatory expenses for the Council's funds, as declared by the Council with the Government's prior approval.

Fifthly, obligatory expenses for the Council's funds, as declared by the Government.

(2) Obligatory expenses for the council's funds shall be as follows:-

- a) Money allocated for any Government official or employee deputed to the Council;
- b) Money allocated by Government order for the maintenance, audit of accounts or any other matters related to the Council's services;
- c) Money needed for executing any verdict, decree or award of any court or tribunal against the Council;
- d) Any other expenses specified as obligatory expenses by a rule;

(3) If any claims remaining in any sector of obligatory expenses of the Council's funds, then the Government may, through a directive, order the person in charge of the said fund to pay the claim, as much as possible, from the said fund;

**35. Budget:** (1) Before the beginning of every financial year, the Council shall prepare and approve, through a process specified by rules a statement, hereinafter referred to as the budget, of likely incomes and expenditures of the year, and shall forward a copy of the budget to the Government.

(2) If the council cannot approve its budget before the beginning of any financial year then the Government shall authenticate a statement of probable incomes and expenditure and shall endorse it and this sort of endorsed statement shall be considered as the Council's approved budget.

(3) The Council formed as per this Act shall prepare the budget of the rest of the financial year for which it would first assumed the responsibilities, and the rules of this section shall apply as much as possible to said budget.

(4) 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 the that financial year and it shall forward a copy of the budget to the Government as soon as possible.

**36. Accounts:** (1) All accounts of incomes and expenditures of the council shall be maintained in manners and forms as specified by rules.

(2) The council shall prepare an Annual statement of accounts of incomes and expenditures after the end of every financial year and shall forward it to the Government within 31<sup>st</sup> December of the next financial year.

(3) A copy of the said annual statement of accounts of incomes and expenditures shall be displayed at an open space of the Council's office for observation of the general public and the Council shall take into considerations the objections or advice of the public concerning the said account.

**37. Audit:** (1) Accounts of income and expenditure of the Council shall be audited as per procedures and by the authority, specified by the rules.

(2) The authority performing the audit may examine all books/records and other documents regarding all accounts of the council, and if it deems necessary, may inquire of the Chairman and any member, official and employee of the Council.

(3) The authority performing the audit shall submit an audit report to the Government after the audit, and report shall include, among other matters, the mention of the following matters, for example:-

- a) Embezzlement of money;
- b) Loss, wastage, misuse of the Council's funds;
- c) Irregularities in maintaining accounts;
- d) Names of those who, according to the authority performing audit, are responsible directly or indirectly for the said embezzlement, loss, wastage, misuse of irregularities.

**38. Property of the Council:** (1) The Council Through regulation;

- a) May take rules for management, maintenance and development of properties entrusted to it or under its ownership;
- b) May control the transfer of the said properties.

(2) The council-

- a) May manage, maintain, visit and develop any property owned by it, or entrusted to its management;
- b) May utilize the said property for achieving the objectives of this Act;
- c) May acquire or transfer any property through donation sale, mortgage, lease or exchange or by any other means.

**39. Responsibility of Chairman and others to the Council:** The Chairman of council or any member or any officer or employee shall be held responsible for any loss, wastage or misuse of any money or property of the Council due to direct negligence or misbehaviour on behalf of the Council, any person in service entrusted with the charge of duty for the Council or working for the Council, the Government shall decide the responsibilities and liabilities of the Chairman or person concerned as per the process specified by rule

and the money for which he/she shall be held liable to pay, shall be recovered from persons liable as public demand.

**40. Control over the Council's activities:** (1) Government may, if necessary, provide counselling 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 for information and explanation in this regard and if it feels necessary, may provide counselling and the Council shall provide the said information and explanation or shall implement the Government's counselling.

**41. Repeal of the Council:** (1) If the Government, after necessary investigation, is of the view that the council is-

- a) Incapable of discharging its duties or has successively failed in performing its responsibilities;
- b) Incapable of performing its administrative and financial duties;
- c) Generally involved in such activities which is detrimental to the public;
- d) Transgressing its powers in any other way or had misused or is misusing its powers, then the Government may, through an order published in the gazette, dissolve the Council on the condition that the Council shall be given the opportunity of showing cause for the allegation brought against it.

(2) If any order is given under sub-section (1) is published

- a) the Chairman and other members of the Council shall not hold their post;
- b) During the time in which the Council shall remain dissolved, all responsibilities of the Council shall be borne by any person of authority appointed by the Government;

(3) The Council shall be reformed as per this Act and rules within ninety days of publication of the Government gazette after dissolution under sub-section (1).

**42. Dispute between the Council and any other local authority:** If a dispute between the Council and any other local authority excluding the Hill District Council arise, then the matter of the dispute shall be forwarded to the Government for settlement and the decision of the Government in this regard shall be final.

**43. Appeal:** If any person is aggrieved by any order of the Council or its Chairman as per this Act or any rule or regulation, then aggrieved person may appeal to the concerned Ministry of Department of the government against the order within thirty days of its issuance and the decision of the said Ministry or Department over the appeal shall be final.

**44. Co-ordination of the Government's and the Council's activities:** If need arises for co-ordination of the government's and the Council's activities, then the Government or the Council may put forth specific proposals to each other and necessary co-ordination shall be done through mutual contact or discussion.

**45. Power of formulating rules:** (1) The Government may, for achieving the objectives of the Act, formulate rules through consultation with the Council and through gazette notification.

(2) Specially and without hindering the totality of the power mentioned above, similar rules may be formulated concerning all matters of any of those stated below, for example:-

- a) Power and responsibility of the Chairman and other members of the council;
- b) Maintenance of accounts and audit;
- c) Process of determining responsibilities and liabilities of official and employees and any other personnel of the Council;
- d) Process of appeal against orders of the Council;
- e) Process of inspecting the Council and the power of the inspector;
- f) Any such matter which has to be decided or can be decided by rules under this Act.

(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 after consideration of the appeal.

**46. Power of formulating regulation:** (1) The Council may, for achieving the objectives of this Act, formulate regulations not inconsistent to this Act or to any rule of the law.

(2) Specially and without hindering the totality of the power mentioned above, similar regulations may be formulated concerning all matters or any of those stated below:

- a) Conducting activities of the Council;
- b) Deciding the quorum of the Council's meeting;
- c) Broaching questions in the Council's meetings;
- d) Convening the Council's meeting;
- e) Writing minutes of the Council's meetings;
- f) Implementing the proposals accepted in the Council's meetings;
- g) Maintaining and using general seals of the Council;
- h) Forming departments and sections for office of the council and deciding their scope of work.
- i) All matters concerning execution of work;
- j) Employing officials and employees in all posts where the Council can employ such persons and maintaining discipline among the ranks;
- k) Determining as to where licenses shall be required and on what conditions licenses shall be offered;
- l) Any such matter which has to be decided or can be decided by regulations under this Act.

(3) A regulations shall be published in the way, the Council considers, the people shall be well informed of the regulation.

(4) The Council shall forward to the Government the copy of a regulation within 30 (thirty) days of its formulation under this section.

(5) If the Government differs in opinion with any part of the regulation formulated, then the Government may provide counseling or ruling for its amendment.

**47. Case filed in favour of or against the Council:** (1) Concerning filing of any case against the Council or against any of its members, or officials or employees for any work relating to the Council, the person willing to file the case shall-

- a) Deliver or send a notice, in ease of the Council, to the Head office of the Council stating the reason for litigation and the name and address of the defendant;
- b) In other cases, deliver or send a notice to the concerned member, official or employee personally or at his/her office or residence.

(2) No cases can be filed before passing of thirty days after the delivery or sending of the said notice and there shall be a statement in the petition as to whether or not the said notice had been delivered or sent.

**48. Notice and its issuance:** (1) If it is the duty of any person to work or abstain from work in order to abide by this Act, rules or regulations, then a notice should be issued to him stating the time for completion of the work or the time for abstention.

(2) Weakness in construction of the notice to be given shall not render it illegal under this Act.

(3) Unless there is any rule contradictory, all notices to be delivered under this Act shall be issued through delivering it by hand to the recipient or by mail or by posting it in an open place of his/her residence or place of work.

(4) The notice for the people shall be considered properly issued if it is pasted at an open place fixed by the Council

**49. Public document:** (1) All records and registers prepared and preserved under this Act shall be considered as public document according to the meaning, used in the expression 'Public Document' under Evidence Act, 1872 (1 of 1872), and unless proven contradictory, it shall be considered as accurate record or register.

**50. Chairman, member's etc. shall be considered as public servants:** Chairman and other members of the Council and its officials and employees and properly authorized other persons working for the Council shall be considered as public servants according to the meaning used in the expression 'Public Servant' under section 21 of Penal Code (Act XLV of 1860).

**51. Protection for working in good faith:** If any person suffers loss or damage or if there is a chance of his/her suffering loss or damage as a result of doing any work in good faith under this Act, rules or regulations, then no civil or criminal suit or any other legal action can be taken against the Government, the Council or any person authorized by them or Government officials/employees or officials/employees of the Council.

**52. Removal of difficulties:** (1) The Government may, through an order, take any necessary measure for removal of any difficulty arising while implementing of this Act.

(2) If there is any inconsistency found in the Chittagong Hill Tracts Regulation, 1900 and other connected rules and Ordinance along with the Hill District Councils Act, 1989 (Act 19, 20 and 21 of 1989) then that inconsistency shall be removed in consultation with the Regional Council and its recommendation.

**53. Discussion etc. with the Council regarding new laws:** (1) The Government if it initiates to make any law concerning the Council or the Chittagong Hill Tracts shall take necessary measures for making the law in consultation with the Council and the concerned Hill District Council and after by considering the advice of the Council.

(2) The Council may apply or submit recommendations to the Government if the necessity arises to amend such a law which might adversely affect development of the three Hill Districts and the well being of the tribal people or if the necessity arises to make new laws.

**54. Transitional law:** (1) The Government shall form as soon as possible by a gazette notification after formation an interim Council under sub-section 1(3) hereinafter referred to as the Interim Council,

(2) All members including the chairman of the Interim Council shall be nominated by the government and the eligibility and ineligibility mentioned in sections 7 and 8 shall apply to their nomination.

- (3) The Chairman or any other member of the Interim Council may resign from his/her post by submitting a signed letter to the Government.
- (4) The Chairman and all members shall enjoy the facilities as per section- 11 of this Act.
- (5) The Interim Council can carry out all activities mentioned in clause-22 as much as are they applicable, undertake any other activities and apply power under this section, until the Council has been formed according to section 5 of this Act.
- (6) The Interim Council shall dissolve by itself when the members or the majority of the members of the Chittagong Hill Tracts Regional Council take oath in office according to section 9 of this Act.

**Khandokar Abdul Haq**  
Additional Secretary