

**THE CHITTAGONG DIVISION DEVELOPMENT
BOARD ORDINANCE, 1976**

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**'THE CHITTAGONG DIVISION DEVELOPMENT
BOARD ORDINANCE, 1976**

ORDINANCE NO. LXXXIX OF 1976

[16th November, 1976]

**An Ordinance to provide for the establishment of a
Development Board for the Chittagong Division.**

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

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

1. (1) This Ordinance may be called the Chittagong Division Development Board Ordinance, 1976. Short title and extent

(2) It extends to the whole of Chittagong Division except the areas within the Chittagong Hill Tracts and the Chittagong Municipality.

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

- (a) "Board" means the Chittagong Division Development Board established under section 3;
- (b) "Chairman" means the Chairman of the Board;
- (c) "Chittagong Division" does not include the areas within the Chittagong Hill Tracts and the Chittagong Municipality;
- (d) "member" means a member of the Board;
- (e) "prescribed" means prescribed by rules made under this Ordinance.

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

¹ The Ordinance was declared void and non est by the Appellate Division of the Supreme Court of Bangladesh in Civil Petition for Leave to Appeal Numbers 1044 and 1045 of 2009 and subsequently the Ordinance has been made effective as an Act of Parliament by ১৯৭৫ সালের ১৫ আগস্ট হইতে ১৯৭৯ সালের ৯ এপ্রিল তারিখ পর্যন্ত সময়ের মধ্যে জারীকৃত কতিপয় অধ্যাদেশ কার্যকরকরণ (বিশেষ বিধান) আইন, ২০১৩ (২০১৩ সনের ০৬ নং আইন), ধারা ৪।

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

Composition of
the Board

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

- (a) a Minister, to be nominated by the President, who shall also be its Chairman;
- (b) two members of Parliament, to be nominated by the President, who shall also be its Vice-Chairman;
- (c) one member of Parliament from each sub-division in the Chittagong Division, to be nominated by the President, by rotation, for a term of one year;
- (d) the Commissioner, Chittagong Division, *ex-officio*, who shall also be its Secretary;
- (e) the Deputy Commissioners of the districts in the Chittagong Division, *ex-officio*;
- (f) such other members, not exceeding one-fifth of the total number of members of Parliament of Chittagong Division, as may be nominated by the Government.

(2) All members, other than the *ex-officio* members, shall hold office during the pleasure of the President.

(3) The Chairman shall be the chief executive of the Board.

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

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

Head office, etc.

5. (1) The head office of the Board shall be located at the headquarters of the Chittagong Division.

¹ Section 4 was substituted by section 5 of the Development Boards Laws Amendment Act, 1980 (Act No. XIV of 1980).

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

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

Meetings of the Board

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

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

(3) To constitute a quorum at a meeting of the Board, not less than ¹[ten] members shall be present.

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

(5) All meetings of the Board shall be presided over by the Chairman or, in his absence, by a member authorised in writing by the Chairman.

7. [*Consultative Committee.- Omitted by section 5 of the Development Boards Laws Amendment Act, 1980 (Act No. XIV of 1980).*]

8. The functions of the Board shall be-

Functions of the Board

- (a) to prepare projects and schemes for the development of Chittagong Division;
- (b) to approve of projects and schemes involving not more than ²[twenty-five lakh] Taka each and to submit other projects and schemes to the Government for approval;
- (c) to execute approved projects and schemes;

¹ The word “ten” was substituted, for the word “four” by section 5 of the Development Boards Laws Amendment Act, 1980 (Act No. XIV of 1980).

² The words “twenty-five lakh” were substituted, for the words “ten lakh” by section 5 of the Development Boards Laws Amendment Act, 1980 (Act No. XIV of 1980).

- (d) to supervise execution of approved projects and schemes;
- (e) to advance funds, on such terms and conditions as it may determine, for the execution of development schemes sponsored by various development agencies;
- (f) to grant loans, on such terms and conditions as may be prescribed, to any person for setting up or development of any small-scale or cottage industry or project;
- (g) to do such other acts and things as may be necessary or convenient to be done in connection with, or incidental or conducive to, the performance of the aforesaid functions.

Execution of projects and schemes through other agencies

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

Appointment of officers, etc.

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

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

Board Fund

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

(2) The Chittagong Division Development Board Fund shall comprise-

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

- (b) loans raised by the Board with the sanction of the Government;
- (c) receipts from any other source.

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

Budget

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

Audit and accounts

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

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

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

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

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

Submission of reports, etc.

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

- (a) such returns, accounts, statements, estimates and statistics as may be required by the Government;
- (b) information and comments asked for by the Government on any specific subject;

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

Power of entry

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

- (a) to make any inspection, survey, experiment, valuation or inquiry;
- (b) to take level of such land;
- (c) to dig or bore into the sub-soil;
- (d) to set out boundaries and intended lines of work;
- (e) to mark such levels, boundaries and lines by placing marks and cutting trenches; or
- (f) to do any other thing;

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

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

Compulsory acquisition of land for the Board

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

Delegation of powers

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

Power to issue directions

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

Indemnity

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

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

Winding up

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

Power to make rules

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

Power to make regulations
