

Small Ethnic Groups Cultural Institutions Act, 2010
(Act No. 23 of 2010)

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Small Ethnic Groups Cultural Institutions Act, 2010

(Act No. 23 of 2010)

[12 April, 2010]

An Act to provide for the establishment of the Small Ethnic Groups Cultural Institutions and matters related therewith for the purpose of preserving, developing and growth of the unique regional cultural heritage of different small ethnic groups and communities of Bangladesh.

WHEREAS, it is expedient and necessary to make provisions for the establishment of the Small Ethnic Groups Cultural Institutions and matters related therewith for the purpose of preserving, developing and growth of the unique regional cultural heritage of different small ethnic groups and communities of Bangladesh;

It is hereby enacted as follows:—

1. Short title and extent.- (1) This Act may be called the Small Ethnic Groups Cultural Institution Act, 2010.

(2) It shall come into force at once.

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

- (1) “Schedule” means the schedule of this Act;
- (2) “small ethnic groups” means different *adivashis* within the meaning small ethnic groups and peoples as mentioned in the schedule;
- (3) “Small Ethnic Groups Cultural Institution” means the Cultural Institution of Small Ethnic Groups established under section 4;
- (4) “Executive Council” means Executive Council constituted under section 7;
- (5) “Director” means any director appointed under section 11;
- (6) “regulations” means regulations made under this Act;
- (7) “rules” means rules made under this Act;
- (8) “Member” means any member of the Executive Council of the Cultural Institution of the Small Ethnic Groups including the President; and
- (9) “chairman” means the President of the Executive Council of any Small Ethnic Groups Cultural Institution.

3. Act to override other laws.- Notwithstanding anything contrary contained in any other laws for the time being in force, the provisions of this Act shall prevail.

4. Establishment of the Cultural Institutions of Small Ethnic Groups.- With the commencement of this Act, for the purposes of this Act, the following Institutions shall be considered established as the Cultural Institutions of the Small Ethnic Groups, namely:-

- (a) Small Ethnic Groups Cultural Academy Birishiri, Netrokona;
- (b) Small Ethnic Groups Cultural Institution, Rangamati;

- (c) Small Ethnic Groups Cultural Institution, Bandarban;
- (d) Cox's Bazar Cultural Centre, Cox's Bazar;
- (e) Small Ethnic Groups Cultural Institution, Khagrachari;
- (f) Rajshahi Divisional Small Ethnic Groups Cultural Academy, Rajshahi;
- (g) Manipuri Lalitkala Academy, Moulavibazar; and
- (h) any other Small Ethnic Groups Cultural Institution, declared by the government, by notification in the official Gazette.

5. Head office, etc.- (1) The head office of the Small Ethnic Groups Cultural Institution shall be located in the place where it is established.

(2) The Small Ethnic Groups Cultural Institution may, if necessary, with the prior approval of the government, establish its branch office anywhere in Bangladesh.

(3) Each Small Ethnic Groups Cultural Institution established under this Act shall be independent and statutory authority with legal entity, and shall have perpetual succession and a common seal, and with power to acquire, hold and dispose properties both moveable and immovable and shall by the said name sue and be sued.

6. General administration, etc.- The General administration of each Small Ethnic Groups Cultural Institution shall vest in the Executive Council and the Council shall exercise such powers and perform such duties which may be exercised and performed by the Institution.

7. Constitution of the Executive Council.- (1) The Executive Council of each Small Ethnic Groups Cultural Institution shall be constituted of the following members, as—

- (a) in case of the Small Ethnic Groups Cultural Institution established in the divisional headquarters, the concerned Divisional Commissioner or any Additional Divisional Commissioner nominated by him or in the case of the Small Ethnic Groups Cultural Institution established in the district and upazila, the concerned Deputy Commissioner who will also be its Chairman and the Small Ethnic Groups Cultural Institution established in the three hilly districts, namely, Khagrachari, Rangamati and Bandarban, the concerned Hilly District Council Chairman, who will also be its Chairman.
- (b) a member nominated by the Ministry of Cultural Affairs;
- (c) an officer in the rank of Deputy Secretary, nominated by the Ministry of Chittagong Hill Tracts;
- (d) six enthusiastic representatives having capacity to contribute in art, literature and culture nominated by the government, of whom four will be from local small ethnic groups;
- (e) Director of the concerned Small Ethnic Groups Cultural Institution, *ex-officio*, who shall also be its Member Secretary.

(2) The tenure of the members nominated under clause (d) of sub-section (1) shall be three years from the date of their nomination:

Provided that the government may, at any time, terminate the membership of any nominated member or reconstitute the Executive Council.

(3) Any member nominated under clause (d) of sub-section (1) may, at any time, giving one month notice, resign from his post in writing to the government.

(4) Any vacancy in the nominated member's post shall be filled up within ninety days from date of vacancy and such nominated member shall hold office for the unexpired period of the term of his predecessor.

(5) No person shall be nominated as member for more than two terms.

(6) The Executive Council may, if necessary, nominate not more than two members in the Executive Council among persons who have contributed in art, literature and culture.

8. Meetings of the Executive Council.- (1) The Executive Council may determine its procedure of meetings.

(2) The Member Secretary shall call meeting of Executive Council with the consent of the Chairman and shall be held in place and at time determined by the Chairman:

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

(3) The Chairman shall preside over all the meetings and in his absence by any member nominated by the members present shall preside over the meeting of the Executive Council.

(4) The presence of two-third of the members is required to constitute the quorum for meetings of the Executive Council, but no quorum is required in case of postponed meeting.

(5) Each member shall have one vote and the decisions shall be taken by a majority votes of the members present and voting, and in the case of equality of votes, the person presiding over shall have a second or casting vote.

(6) No act or proceeding of the Executive Council shall be invalid merely on the grounds of the existence of any vacancy in, or any defect in the constitution of the Executive Council and no question shall raise on it.

(7) Notice for meetings shall be given seven days before the meeting, but special meeting may be called by one day notice for special requirement.

9. Functions of the Small Ethnic Groups Cultural Institutions.- The functions of each Small Ethnic Cultural Institutions shall be as follows:

- (a) collection of data, preservation and conduct research projects on the history, social and cultural heritage like language, literature, music, dance, craft, religion, rituals-ceremonies, practices, customs, traditions, etc. of the inhabitants of each small ethnic groups of the concerned area;
- (b) organize seminar, conference and exhibition on the lifestyle, history, heritage, society, and culture of the inhabitants of small ethnic groups of the concerned area and publish books, journals and prepare documentary films on those issues;

- (c) with the aim to introduce the people of the small ethnic groups of the concerned area with the main stream culture, celebrate different national days and festivals, arrange the participation of the local artists in the state programmes;
- (d) to undertake inter-district cultural exchange programmes;
- (e) highlight the regional cultural activities at home and abroad with the government assistance and self;
- (f) to organize competition and cultural events including traditional festivals for the inhabitants of the small ethnic groups of the concerned area;
- (g) to conduct training and development activities on language, literature, music, drama and fine arts;
- (h) to provide financial contribution to the cultural and theatre organizations and financial assistance to the poor and vulnerable artists of the concern area;
- (i) to provide honorarium to the scholar and eminent artists;
- (j) to honour the scholar and eminent artists;
- (k) to set up museums by collecting traditional cultural materials of the small ethnic groups of the concern area;
- (l) to implement the programmes and projects undertaken by the government for cultural development of the small ethnic groups;
- (m) to take steps to develop the tourism industry in a manner prescribed by the rules;
- (n) to perform the necessary and ancillary functions for the purpose of fulfilling the above mentioned functions and other provisions under this Act; and
- (o) to perform other duties imposed by the government for the purpose of this Act.

10. Responsibilities of the Executive Council.- Responsibilities of the Executive Council shall be as follows:

- (a) to implement the aims and objectives of the Small Ethnic Groups Cultural institutions;
- (b) to maintain and manage properly the properties of the Small Ethnic Groups Cultural Institutions;
- (c) to formulate activities, work plans and annual budget of the Small Ethnic Groups Cultural Institutions and send recommendations to the government for its approval; and
- (d) to take measures to formulate and implement the development projects for the Small Ethnic Groups Cultural Institutions.

11. Director.- (1) There shall be a Director for each Small Ethnic Groups Cultural Institution, who will be appointed from amongst the small ethnic groups.

(2) The Director shall be appointed by the government and the conditions of his service shall be determined by the government.

(3) The Director shall be the fulltime Chief Executive of the Small Ethnic Groups Cultural Institutions and shall perform the following functions and duties, namely:-

- (a) to exercise the powers and perform the duties assigned by the Council;
- (b) to implement the decisions of the Council;
- (c) subject to the provisions of this Act, carry out the administrative and financial affairs of the Small Ethnic Groups Cultural Institutions.
- (d) prepare the budget and annual development programmes for the institution and present to the Executive Council for approval;
- (e) to reimburse the payments and dues of the employees of the institution, give order for expenses relating to functionalities and approval of expenses;
- (f) to preserve the accounts of the institution, prepare the annual statement of accounts, arrange for the audit and present the accounts audit report in the meeting of Executive Council;
- (g) to prepare the annual report of the activities of the institution of the preceding year;
- (h) to act as the Drawing and Disbursing Officer of the institution;
- (i) to act as the Chief Determination Officer of the institutions.
- (j) to manage and administer the finance and property of the institution including preserving and safeguarding its deeds and other documents.

(4) If the post of the director becomes vacant, or director is unable to perform his duties due to absence, illness or for any other reasons, until the newly appointed director takes over the office or the director is able to resume his duties, any person nominated by the government shall act as the director.

12. Appointment of officers and employees.- (1) The Executive Council may, with the prior approval of the government, for the purpose of proper functioning of the Small Ethnic Groups Cultural Institutions, appoint necessary number of officers and employees:

Provided that eighty percent of the officers and employees shall be appointed from among the local small ethnic groups.

(2) The recruitment procedure of the officers and employees of the Small Ethnic Groups Cultural Institutions and the conditions of their service shall be determined by the regulations.

13. Fund.- (1) For the management of the Small Ethnic Groups Cultural Institution it shall have own fund and the money received from the following sources shall be deposited in the said fund, namely:-

- (a) grants made by the government;
- (b) grants made by a local authority;
- (c) grants made by an organization;
- (d) profit from the investments of the institution;

(e) money received from any other sources.

(2) The fund of the Small Ethnic Groups Cultural Institution or its part may be invested in the government approved sectors.

(3) The money deposited in the said fund shall be deposited in the name of the concerned Small Ethnic Group Cultural Institution in a Scheduled bank by its approval and such fund, in case of the Small Ethnic Group Cultural Institution located in the district headquarters, shall be administered by the joint signature of the Chairman and Director of the concerned Executive Council and regarding the Small Ethnic Group Cultural Institution established in the upazilla by the signature of the Director concerned.

(4) Necessary expenditure may be met up from the fund of respective Small Ethnic Group Cultural Institution.

(5) The preservice and expenditure of the fund shall be made in the manner prescribed by the rules:

Provided that, unless the rules is made the preservice and expenditure of the fund shall be made in accordance with the decision taken by the concerned Executive Council of the Small Ethnic Groups Cultural Institution.

14. Annual budget statement.- Each Small Ethnic Groups Cultural Institution shall submit every year the annual budget for the next fiscal year to the government, within the prescribed time by the government, mentioning the amount of money that shall be required from the government for the concerned Small Ethnic Groups Cultural Institution for that fiscal year, including the accounts of income-expenditure.

15. Accounts and audit.- (1) Each Small Ethnic Groups Cultural Institution shall properly maintain accounts of its fund and prepare annual statement of accounts.

(2) The Comptroller and Auditor General of Bangladesh, hereafter referred as Comptroller General, shall audit the accounts of the funds of the Small Ethnic Groups Cultural Institutions every year and shall submit a copy of the audit reports to the government and the concerned Small Ethnic Groups Cultural Institution.

(3) The Comptroller General or any other person authorized by him in this behalf may, for the purpose of auditing under sub-section (2), examine all records, instruments, deeds, cash or balance amount in the bank, deposits, funds and other types of assets of the concerned Small Ethnic Groups Cultural Institution and may interrogate any of the members, director of the concerned Executive Council and officers or employees.

(4) After the audit the Auditor General shall as soon as possible send an audit report to the concerned Small Ethnic Groups Cultural Institution and the concerned Institution shall submit the report along with comments to the government.

(5) In case of any defects or irregularities mentioned in the audit report the Small Ethnic Groups Cultural Institution by taking immediate necessary action shall notify the government.

16. Annual report.- (1) Each Small Ethnic Groups Cultural Institution shall, by 31 March of every year, submit the government an annual report containing details of activities performed in the previous year.

(2) The Government, if necessary, may call from any Small Ethnic Groups Cultural Institution reports or statements on any matter of the concerned Institution and the concerned Institution shall be bound to send it to the government.

17. Power to make rules.- For the purpose of this Act, the government may make rules by notification in the official Gazette.

18. Power to make regulations.- For the purpose of this Act, the Executive Council of the Small Ethnic Groups Cultural Institution may, with the prior approval of the government and by notification in the official Gazette, make such regulations not inconsistent with this Act or the rules made thereunder.

19. Power to amend Schedule.- The Government may, by notification in the official Gazette, amend the Schedule.

20. Inquiry by the government.- The Government may, through an individual or committee, conduct inquiry into any matter of any Small Ethnic Groups Cultural Institution and on the basis of that inquiry, may direct the concerned Small Ethnic Groups Cultural Institution to take action.

21. Issuance of instructions by the government etc.- The Government may issue necessary instructions to the Small Ethnic Groups Cultural Institution and each of the Small Ethnic Groups the Cultural Institution shall be bound to implement the instructions made by the government.

22. Repeal and savings.- (1) With the establishment of the Small Ethnic Groups Cultural Institution mentioned in the section 4, the notification, order, office memorandum, notice, advertisement, circular etc. if any, issued for the concerned institution, are hereby repealed.

(2) Notwithstanding such repeal, any action taken or act done under the said notification, order, office memorandum, notice, advertisement and circular shall be deemed to have been taken or done under this Act.

(3) With the establishment of the Small Ethnic Groups Cultural Institution mentioned in section 4,-

- (a) all assets, rights, powers, authorities and all moveable and immoveable properties, cash and deposit money in banks and all other claims and rights, loan, liabilities, and responsibilities, if any, of the respective institution shall be transferred to and vested upon the concerned Small Ethnic Groups Cultural Institution; and
 - (b) all officers and employees acting, if any, of the respective institution shall be deemed to be officers and employees working under control of the concerned institutions.
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SCHEDULE

[See section 2(1) and section 19]

Name of different Small Ethnic Groups and Class of People

Serial No.	Name of different Small Ethnic Groups and Class of People
1	2
1.	Chakma;
2.	Marma;
3.	Tripura;
4.	Mro;
5.	Tanchaunga;
6.	Bom;
7.	Pankhua;
8.	Chak;
9.	Khiyang;
10.	Khumi;
11.	Lusai;
12.	Kouch;
13.	Shaoutal;
14.	Dalu;
15.	Ushai (Ushui);
16.	Rakhain;
17.	Monipuri;
18.	Garoa;
19.	Hajong;
20.	Khashia;
21.	Mong;
22.	Orao;
23.	Bormon;
24.	Pahari;
25.	Malpahari;
26.	Munda;
27.	Kole.