



বাংলাদেশ

গেজেট

অতিরিক্ত সংখ্যা
কর্তৃপক্ষ কর্তৃক প্রকাশিত

শনিবার, জানুয়ারি ২৮, ২০১২

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার

আইন, বিচার ও সংসদ বিষয়ক মন্ত্রণালয়

লেজিসলেটিভ ও সংসদ বিষয়ক বিভাগ

প্রজ্ঞাপন

তারিখ, ১৬ জানুয়ারি ২০১২ ইং

নং ০৪(আঃম)(লেঃ স)(মুঃপ্রঃ)-আইন-অনুবাদ-২০১২—সরকারি কার্যবিধিমালা, ১৯৯৬ এর প্রথম তফসিল (বিভিন্ন মন্ত্রণালয় এবং বিভাগের মধ্যে কার্যবন্টন) এর আইটেম ৩০ এর ক্রমিক ৭ ও ১০ এবং মন্ত্রিপরিষদ বিভাগের বিগত ৩-৭-২০০০ ইং তারিখের সভায় গৃহীত সিদ্ধান্ত বাস্তবায়নের নিমিত্ত বাংলাদেশ জুডিসিয়াল সার্ভিস সংক্রান্ত বিধিমালাসমূহ (এস, আর, ও নং-১০) নিম্নরূপ ইংরেজী অনুবাদ সর্বসাধারণের জ্ঞাতার্থে প্রকাশ করিল।

মোঃ আনোয়ার হোসেন
সিনিয়র সহকারী সচিব।

(৫৫৩)

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GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

MINISTRY OF ESTABLISHMENT

NOTIFICATION

Dated, Magh 03, 1413 BE/January 16, 2007 AD

ইস্যু নং-০৪

S.R.O. No.-10-Law/2007.—Whereas the President is empowered to make separate rules for the officials functioning in the Judicial Service by article 115 of the Constitution; and

Whereas there is a direction to establish a Service regarding thereof in the Judgment of the Civil Appeal No. 79/1999 passed by the Appellate Division of the Bangladesh Supreme Court; and

Whereas there is a direction to make separate provisions for the posting, promotion, grant of leave, control, discipline and other terms and conditions of service of the persons appointed to the Service;

Therefore, the President, in exercise of all powers conferred to him in this behalf by the proviso of article 133 of the Constitution of Bangladesh, is pleased to make the following rules, namely :—

1. Short title and commencement.—(1) These rules may be called the Bangladesh Judicial Service (Posting, Promotion, Grant of Leave, Control, Discipline and other Conditions of Service) Rules, 2007.

(2) These rules shall come into force on such date as may be determined by notification in the official Gazette in accordance with the advice of the Supreme Court.

2. Definitions.— In these rules, unless there is anything repugnant in the subject or context,—

- (a) “Competent Authority” means the President or the Ministry or Division having the administrative charge of the Service under the Rules of Business made according to article 55(6) of the Constitution;
- (b) “Appointing Authority” means the President;
- (c) “member of the Service” means a member of the Judicial Service;
- (d) “service post” means any post mentioned in the column (2) of the First and Second Parts of the Schedule;
- (e) “Service” means the Bangladesh Judicial Service;
- (f) “Schedule” means the Schedule of these rules.

3. Posting.—(1) The Competent Authority shall, in consultation with the Supreme Court under article 116 of the Constitution of the People’s Republic of Bangladesh, give posting to the members of the Service.

(2) The Competent Authority may, in consultation with the Supreme Court, determine the period of posting of the members of the Service in certain working station.

4. Promotion.—(1) The Appointing Authority may, in consultation with the Supreme Court, give promotion to any member of the Service in a higher post.

(2) For the purpose of sub-rule (1), a select committee consisting of all member judges of General Administrative Committee shall be formed according to the High Court Rules and the said select committee shall make recommendation for promotion of a member of the Service to a higher post of the Service.

(3) The next procedure about the recommendation of the select committee made under sub-rule (2) shall be taken according to the provisions of the High Court Rules.

(4) The Appointing Authority may, in consultation with the Supreme Court, by order notified in the official Gazette, give promotion by relaxing the qualification mentioned against any post in the First Part of the Schedule for public interest.

5. **Leave.**—(1) Until complete rules regarding the leave of the members of the Service and other ancillary matters are made, the members of the Service shall be entitled to such rights of leave as a first class officer of the Government is entitled to enjoy according to existing rules and regulations:

Provided that the Authority determined by the Supreme Court shall grant leave.

(2) The leave mentioned in sub-rule (1) except casual leave shall be granted in consultation with the Supreme Court.

(3) The members of the Service shall be entitled to enjoy the vacation leave of the civil court on such terms and conditions as may be determined by the Supreme Court.

6. **Discipline.**—(1) Until separate rules regarding disciplinary matters other than suspension, dismissal and removal of the members of the Service are made, the Competent Authority shall, in consultation with the Supreme Court, mutatis mutandis, apply the Government Servants (Discipline and Appeal) Rules, 1985 which is applicable to a first class officer of the Government to the members of the Service for maintaining discipline :

Provided that consultation with the Bangladesh Public Service Commission shall not be required according to the said rules which are applicable to the government officer regarding discipline.

(2) Notwithstanding anything contained in sub-rule (1), in the case of suspension, dismissal or removal of any member of the Service, the rules made under article 115 of the Constitution of the People's Republic of Bangladesh shall apply.

7. **Appointment on deputation in the Supreme Court, the Ministry of Law, Justice and Parliamentary Affairs and other Ministries.**—(1) The Competent Authority shall appoint/transfer such number of the members of the service to the Supreme Court as are required by it. The Competent Authority shall, in consultation with the Supreme Court, appoint the members of the Service to the posts reserved for them in the Ministry of Law, Justice and Parliamentary Affairs on deputation or otherwise. Besides, the Competent Authority, if necessary may, in consultation with the Supreme Court, appoint the members of the Service in any other Ministry, in the secretariat of the Parliament or the secretariat of the Election Commission or any office of any other authority on deputation or otherwise.

(2) During deputation, the members of the Service shall not be paid less salary or allowance than the salary or allowance they are normally entitled to.

(3) If any disciplinary action against the said members is required to be taken while they are on deputation, the authority concerned shall inform the matter to the Competent Authority describing the situation prevailed and the Competent Authority shall, in consultation with the Supreme Court, take necessary action.

(4) If any officer is appointed on deputation with approval or consent of the Supreme Court, his seniority with other officers or entitlement of promotion shall not be prejudiced.

8. Control over the members of the Service.—(1) Subject to the provisions of articles 109, 116, 116A of the Constitution and other Provisions of these rules,—

- (a) the District and Sessions Judge shall be the local controlling authority of all other officers of the Service including all judicial magistrates working under him regarding administrative matters;
- (b) in the metropolitan area the Metropolitan Sessions Judge shall be the local controlling authority of all other officers of the Service including all metropolitan magistrates working under him regarding administrative matters;
- (c) the Judge of District and Sessions Judge level shall be the local controlling authority of other officers of the Service working under him regarding administrative matters;
- (d) the Chief Judicial Magistrate or, as the case may be, in the metropolitan area, the Chief Metropolitan Magistrate shall be the local controlling authority of his subordinate magistrates regarding administrative matters.

(2) If the Competent Authority, in consultation with the Supreme Court, issues general or special orders regarding administrative matters mentioned in sub-rule (1), all officers concerned shall follow them.

Explanation : For the purpose of this rule, the matter about writing of annual confidential report of the officers shall not be deemed to be the local administrative matters and the High Court Division of the Supreme Court shall have the sole jurisdiction of determining the matter thereof.

9. Other terms and conditions of service.—(1) Until separate provisions are made determining the terms and conditions of service of the members of the Service, they shall be considered to be the first class gazetted officers of the Government in the case of retirement, pension, provident fund and other terms and conditions of service and the rules, regulations and privileges applicable to the said of officers shall apply to the members of the service.

(2) Notwithstanding anything contained in sub-rule (1), no provision shall be made to the detriment or abrogation of the existing privileges of the members of the service in the case of determining the terms and conditions of their service.

10. Special provisions for interim appointment to the posts of the Second Part of the Schedule.—(1) The Competent Authority shall consult with the Supreme Court for posting against the posts mentioned in the Second Part of the Schedule, granting leave and taking disciplinary actions against the officers of the B.C.S (Administration) Cadre appointed on deputation under the Bangladesh Judicial Service (Constitution of Service, Appointment to the Post of Service and Suspension, Dismissal and Removal) Rules, 2007.

11. Effectiveness of consultation with the Supreme Court.—(1) The Competent Authority shall effectively consult with the Supreme Court about the measures taken for the members of the Service in accordance with these rules.

(2) Where the proposal of the Competent Authority on the matters mentioned in sub-rule (1) and the advice of the Supreme Court regarding thereof differ, the advice of the Supreme Court shall prevail.

12. Repeal and savings.—(1) The Bangladesh Judicial Service (Posting, Promotion, Grant of Leave, Control, Discipline and Other Terms and Conditions of Service) Rules, 2006 are hereby repealed.

(2) Notwithstanding repeal under sub-rule (1), all acts done or actions taken under the repealed rules shall be deemed to have been done or taken under these rules.

(3) All the appointments or promotions which have already been given to the posts of Senior Munsif or Senior Assistant Judge or any other senior posts thereof in Judicial Service shall be deemed to have been given under these rules.

Schedule

First Part

[See rules 2(d) and 4(4)]

The procedure and requisite qualifications of appointments through promotion to different posts of the First Part of Bangladesh Judicial Service.

Serial No.	Name of post	Appointment procedure	Requisite qualifications
1.	District Judge/ District and Sessions Judge/other Judges of the same status.	By promotion from among the Additional District and Sessions Judges/ other Judges of the same status.	Total 15(fifteen) years' service experience including two years' service experience in the post of Additional District and Sessions Judge/other Judges of the same status.
2.	Additional District and Sessions Judge/ other Judges of the same status.	By promotion from among the Joint District and Sessions Judges/other Judges of the same status.	Total 10(ten) years' service experience including two years' service experience in the post of Joint District and Sessions Judge/other Judges of the same status.
3.	Joint District and Sessions Judge/ other Judges of the same status.	By promotion from among the Senior Assistant Judges/ other Judges of the same status.	Total 7(seven) years' service experience including two years' service experience in the post of Senior Assistant Judge/other Judges of the same status.
4.	Senior Assistant Judge/ other Judges of the same status.	By promotion from among the Assistant Judges/ other Judges of the same status.	Total 4(four) years' service experience in the post of Assistant Judge/other Judges of the same status.
5.	Assistant Judge	By direct recruitment or absorption in accordance with the rules made under article 115 of the Constitution.	Contained in the rules made under article 115 of the Constitution.