

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

নং ০১ (আঃম)(লেঃস)(মুঃপ্রঃ)-আইন-অনুবাদ-২০১২—সরকারি কার্যবিধিমালা, ১৯৯৬ এর প্রথম তফসিল (বিভিন্ন মন্ত্রণালয় এবং বিভাগের মধ্যে কার্যবণ্টন) 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-৭) নিম্নরূপ ইংরেজী অনুবাদ সর্বসাধারণের জ্ঞাতার্থে প্রকাশ করিল।

মোঃ আনোয়ার হোসেন

সিনিয়র সহকারী সচিব।

(৫৩৩)

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GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
MINISTRY OF LAW, JUSTICE AND PARLIAMENTARY AFFAIRS

NOTIFICATION

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

ইস্যু নং-০১ S.R.O.No.-7-Law/2007.—Whereas the President is empowered to make separate rules for the officials exercising judicial functions in the office of judicial service by article 115 of the Constitution; and

Whereas there is a direction to establish a Judicial Service Commission under article 115 of the Constitution in the judgment of Civil Appeal No. 79/1999 passed by the Appellate Division of the Bangladesh Supreme Court;

Therefore, in pursuance of the direction given by the Supreme Court to establish a Judicial Service Commission, the President, in exercise of all powers conferred to him, in this behalf by article 115 of the Constitution, is pleased to make the following rules :—

1. **Short title.**—These rules may be called the Bangladesh Judicial Service Commission Rules, 2007.

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

- (a) "Commission" means the Judicial Service Commission established under rule 3 ;
- (b) "Chairman" means the Chairman of the Commission;
- (c) "entry post" means a post of Assistant Judge of Bangladesh Judicial Service;
- (d) "Public Service Commission" means Bangladesh Public Service Commission; established under the Bangladesh Public Service Commission, Ordinance, 1977 (LVII of 1977);
- (e) "member" means any member of the Commission;
- (f) "Service" means Bangladesh Judicial Service.

3. Establishment of the Commission and its formation.—(1) There shall be established a Commission to be called the Bangladesh Judicial Service Commission.

(2) The Commission shall consist of the following members, namely:—

- (a) a Judge of the Appellate Division of the Supreme Court to be nominated by the President in consultation with the Chief Justice, who shall also be its Chairman;
- (b) two Judges of the High Court Division of the Supreme Court to be nominated by the President in consultation with the Chief Justice;
- (c) Attorney General, ex-officio;
- (d) a member of the Law Commission to be nominated by the President;
- (e) Secretary, Ministry of Establishment, ex-officio;
- (f) Secretary, Finance Division, ex-officio;
- (g) Secretary, Ministry of Law, Justice and Parliamentary Affairs, ex-officio;
- (h) Dean of Law Faculty of the University of Dhaka or the University of Rajshahi or the University of Chittagong to be nominated by the President;
- (i) Registrar, Bangladesh Supreme Court, ex-officio;
- (j) District Judge, Dhaka, ex-officio;

(3) The validity of any proceeding of the Commission shall not be affected for the reason of any vacancy in the Commission.

4. The Secretariat of the Commission.—(1) The Commission shall have a secretariat of its own and it shall consist of such number of officers and employees as may be determined by the President.

(2) Until a Secretariat is established under sub-rule (1).—

- (a) the Secretariat of the Public Service Commission shall provide the Commission with secretarial assistance and shall be deemed to be the secretariat of the Commission;
- (b) the Secretary of the Public Service Commission shall perform the duties of the Secretary of the Commission.

5. Functions of the Commission.—The functions of the Commission shall be as follows:—

- (a) to conduct verification and examination for selecting suitable persons for appointment to the entry posts of the Service and recommend the names of candidates to the President;

- (b) to advise the President regarding appointment to the posts of the Service or about any matter thereof, if any advice of the Commission regarding thereof is required by the President or if any matter regarding the duties of the Commission is sent to it; and
- (c) to discharge such other functions as may be prescribed by rules made under any Act or under articles 115 or 133 of the Constitution of the People's Republic of Bangladesh.

6. Meetings of the Commission.—(1) The Commission may, subject to other provisions of this rule, prescribe the procedures of its meeting.

(2) The meeting of the Commission shall be held at such time and place as may be determined by the Chairman.

(3) The Chairman shall preside over the meeting of the Commission and in his absence, the member, in accordance with the serial mentioned in sub-rule (2) of rule 3, shall, in succession, preside over the meeting; at least six members of the Commission, including the Chairman or the presiding member, shall be required to form the quorum of the meeting and no quorum shall be required for any adjourned meeting.

(4) All decisions of the Commission shall be taken on the basis of the opinion of the majority of the members present and in case of equality of opinion, the person presiding over the meeting shall have the power to pass the casting decision.

7. Annual report.—At every year within 31 March the Commission shall submit a report to the President on its affairs of the previous year.

8. Power to issue order.—For the purpose of these rules, the Commission may, with the previous sanction of the President, by notification in the official Gazette, make provisions not in consistent with these rules.

9. Special provisions for transitional period.—Omitted.

10. Repeal and savings.—(1) As soon as these rules come into force, the Bangladesh Judicial Service Commission Rules, 2004 issued by S.R.O. No-19-Law/2004 on 15 Magh, 1410 BE corresponding to 28 January, 2004 AD shall be repealed.

(2) Notwithstanding such repeal, all orders issued, acts done and actions taken under the repealed rules shall be deemed to have been issued, done or taken under these rules.

By order of the President

MD ALAUDDIN SARDER

Secretary.

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