

বাংলাদেশ



গোজেট

অতিরিক্ত সংখ্যা

কর্তৃপক্ষ কর্তৃক প্রকাশিত

রবিবার, জুন ২৯, ২০০৮

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার

আইন, বিচার ও সংসদ বিষয়ক মন্ত্রণালয়

মুদ্রণ ও প্রকাশনা শাখা

প্রজ্ঞাপন

তারিখ, ২৯ জুন ২০০৮

নং ১০২ (আমঃমুঃপ্রঃ)/আইন-অনুবাদ-০৫/০৮—সরকার, কার্যবিধিমালা, ১৯৯৬ এর প্রথম তফসিল (বিভিন্ন মন্ত্রণালয় এবং বিভাগের মধ্যে কার্যবন্টন) এর আইটেম ৩০ এর ক্রমিক ৭ ও ১০ এবং মন্ত্রিপরিষদের বিগত ৩-৭-২০০০ ইং তারিখের সভায় গৃহীত সিদ্ধান্ত বাস্তবায়নের নিমিত্ত The Government Attorney Service Ordinance, 2008 (২০০৮ সনের ১৯ নং অধ্যাদেশ) নিম্নরূপ ইংরেজী অনুবাদ সর্বসাধারণের জ্ঞাতার্থে প্রকাশ করিল।

মোঃ আনোয়ার হোসেন  
সহকারী সচিব।

(৪২১১)  
মূল্য : টাকা ১০.০০

[ An authentic text of an authorized translation in English ]

**The Government Attorney Service Ordinance, 2008**

**Ordinance No. XIX of 2008**

**An**

**Ordinance**

to provide for the establishment of a permanent Government Attorney Service for conducting cases before the courts and performing other duties ancillary thereto on behalf of the Government and for the appointment of the officers and staff to the Service and determining the terms and conditions of their service

Whereas it is expedient and necessary to provide for the establishment of a permanent Government Attorney Service for conducting cases before the courts and performing other duties ancillary thereto on behalf of the Government and for the appointment of the officers and staff to the Service and determining the terms and conditions of their service;

Whereas the Parliament stands dissolved and the President is satisfied that circumstances exist which render immediate action necessary;

Now, thereof, in exercise of the powers conferred by the article 93(1) of the Constitution of the People's Republic of Bangladesh, the President is pleased to make and promulgate the following Ordinance :—

**Chapter One**

**Preliminary**

**1. Short title, application and commencement.**—(1) This Ordinance may be called the Government Attorney Service Ordinance, 2008.

(2) It extends to the whole of Bangladesh.

(3) It shall come into force at once.

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

(a) “**Directorate**” means the Government Attorney Directorate established under section 5;

- (b) “**court**” means existing civil and criminal courts at District and Upazilla level including the Supreme Court, and shall include any Special Court or Tribunal, Appellate Court or Appellate Tribunal established under any special Act;
- (c) “**Attorney**” means any law officer appointed permanently to any branch of the Government Attorney Service;
- (d) “**Attorney-General**” means the Attorney-General appointed under article 64 of the Constitution of the people’s Republic of Bangladesh;
- (e) “**Commission**” means the Public Service Commission established under article 137 of the Constitution of the people’s Republic of Bangladesh;
- (f) “**officer**” shall also include any officer other than the law officers appointed to the attorney Service;
- (g) “**staff**” means any staff appointed to the Attorney Service and the Directorate;
- (h) “**District Attorney**” means any District Attorney appointed under this Ordinance;
- (i) “**Schedule**” means the Schedule of this Ordinance;
- (k) “**appointing authority**” means the President or any other officer authorized by him in this behalf;
- (l) “**post**” means any post mentioned in Schedule I and II;
- (m) “**requisite qualifications**” means any qualification assigned against any post mentioned in Schedule I and II;
- (n) “**rules**” means the rules made under this Ordinance;
- (o) “**Director-General**” means the Director-General of the Directorate;
- (p) “**probationer**” means any person appointed on probation to any post;
- (q) “**Service**” means the Government Attorney Service established under section 3;
- (r) “**recognized university**” means a university established by or under any law for the time being in force; and includes any other foreign university declared by the Government, after consultation with the commission, to be a recognized university for the purpose of this Ordinance;

## Chapter Two

### Establishment of the Service and the Directorate

3. **Establishment of the Government Attorney Service.**—(1) The Government shall establish a service to be called the Government Attorney Service for conducting cases before the courts at District and Upazilla level including the Supreme Court and performing other related duties on behalf of the Government.

(2) There shall be two branches of the Service to be called as Supreme Court Branch and District Branch.

(3) The service shall, subject to the provisions of section 13, consist of the officers appointed to the posts mentioned in Schedule I and II.

(4) The Attorneys appointed to the Service shall be deemed as Government law officers.

4. **Functions of the Service.**—(1) The Attorneys appointed in the District Branch shall conduct civil suits and criminal cases before the Civil and Criminal Courts of the districts and Upazillas and perform other duties on behalf of the Government.

(2) The Attorneys appointed to the Supreme Court Branch shall conduct cases before the Supreme Court and perform other related duties on behalf of the Government.

(3) The Attorneys appointed to the Supreme Court Branch shall take necessary direction and advice for filling and conducting cases on behalf of the Government before the Supreme Court from Attorney-General and Government or any other officer nominated by the Government in this behalf.

(4) The Attorneys appointed to the Supreme Court Branch may, if directed by the Attorney-General and the Government or an officer authorized by it in this behalf, conduct civil or criminal cases before any court or tribunal situated in or out side Dhaka as well as in the Supreme Court.

(5) In the performance of their duties under this Ordinance, the Additional Attorney-General, Deputy Attorney-General and Assistant Attorney-General shall have the right of audience in all courts of Bangladesh.

(6) The District Attorney shall, for filling and conducting cases on behalf of the Government, perform his duties in co-ordination with the Deputy Commissioner for the civil suits and the Superintendent of Police for the criminal cases.

(7) For the purpose of sub-section (6), if any Metropolitan Police or Court is established in any Metropolitan area under or by any Act, the Superintendent of Police referred to in the said sub-section shall be construed as the Police Commissioner or the Deputy Police Commissioner, as the case may be, and the Deputy Commissioner shall be construed as the Deputy Commissioner of the district under which jurisdiction the said area situated.

(8) The Attorneys appointed to the District Branch may, if directed by the Government or District Attorney, file and conduct both civil and criminal cases before any other courts established under any other Act, besides the general civil and criminal courts established under the Civil courts Act, 1887 or Code of Criminal Procedure, 1898 in the concerned district.

(9) Notwithstanding anything contained in sub-section (6), the overall responsibility to co-operate with the District Attorney to conduct both civil and criminal cases before any court on behalf of the Government under this section shall be vested upon the Deputy Commissioner.

**5. Establishment of Directorate, etc.**—(1) The Government shall, for the purpose of controlling and supervising the administrative affairs of the Service, establish a Directorate to be called the Government Attorney Directorate.

(2) There shall be a Director-General of the Directorate.

(3) Besides the Director-General, the Directorate shall have such other officers and staff as may be prescribed by the Government.

(4) The Government shall appoint the Director-General and officers of the first class in such manner as may be prescribed by it.

(5) The Director-General shall be the chief executive of the Directorate, and other officers and staff shall be his subordinate and perform duties under his administrative control.

(6) The officers and staff shall, subject to the provisions of sub-section (4), be appointed according to the rules made under this Ordinance :

Provided that the Director-General shall, subject to the general provisions of this Ordinance and other provisions applicable to the government service, appoint employees to the post of second, third and fourth class until rules are made under this Ordinance.

(7) The Directorate shall be under the administrative control of the Ministry of Law, Justice and Parliamentary Affairs.

(8) The office of the Directorate shall be in Dhaka.

6. **Jurisdiction of the Directorate.**—The Directorate shall exercise the administrative powers of the Service and supervise its affairs, and the officers and staff appointed to the Service in this behalf, shall be deemed to be subordinate to the Director-General of the Directorate.

7. **District Unit of the District Branch of the Service and its Administrative Control.**—(1) The part of the District Branch of the Service comprising the District Attorney and the Attorneys subordinate to him appointed to every District shall be called District Unit of the District Branch of the Government Attorney Service.

(2) The Administrative control of the District Unit of the District Branch shall be vested upon the District Attorney, and he shall be the executive chief of the District Unit and the other officers and staff including the Attorneys of the District Unit shall be under his administrative control.

8. **Administrative Control of the Supreme Court Branch of the Service.**—(1) The Administrative control of the Supreme Court Branch regarding the matters relating to cases and their trial shall be vested upon the Attorney-General and in this regard, other officers and staff including the Attorneys appointed to the Branch shall be deemed to be his subordinate.

(2) The Director-General shall have the administrative control over other officers and staff including the attorneys appointed to the Supreme Court Branch regarding the matters relating to their service and in this regard, they shall be deemed to be his subordinate.

### Chapter Three

#### Appointment and the Terms and Conditions of the Service.

9. **Procedure for recruitment.**—Subject to the instructions relating to reservation of posts for the purpose of article 29(3) of the Constitution of the People's Republic of Bangladesh and the provisions of the sections 22 and 23 of this Ordinance, appointment to any post shall be made in accordance with the Schedule I and II.

10. **Appointment by direct recruitment.**—(1) No appointment to any entry post of the Service by direct recruitment shall be made without the recommendation of the Commission.

(2) The entry post of the Supreme Court Branch shall be the Assistant Attorney-General and the same of the District Branch shall be the Assistant District Attorney.

(3) No person shall be eligible for appointment to any post of the Service by direct recruitment, if he—

- (a) is not a citizen of Bangladesh, or domiciled in, Bangladesh, or
- (b) is married to, or has entered into a promise to marry a person who is not a citizen of Bangladesh.

(4) No person shall be appointed to any post of the Service by direct recruitment until—

- (a) he has requisite qualifications for the post and, for the direct requirement, exceeds the age limit required for the post mentioned in the Schedule;
- (b) he is certified by a Medical Board set up or any medical officer nominated for the purpose by the Director-General of health services to be medically fit for such appointment and that he does not suffer from any such organic defect as is likely to interfere with the discharge of the duties of services; and
- (c) his antecedents have been verified through appropriate agencies and found to be such as do not render him unfit for appointment in the service of the Republic.

**Explanation:** If the age of any person applied for a post remains in the age limit mentioned in the Schedule on the prescribed last date of submitting the application, he shall, though his actual age exceeds the prescribed age limit for the post, be considered to be eligible for being appointed to the said post under clause (a) of sub-section (4).

**11. Appointment by Promotion.**—(1) Appointment by promotion to a post of the Service shall be made on the recommendation of the selection committee constituted by the Government in this behalf.

(2) No person shall be eligible for promotion if he has unsatisfactory service records.

**12. Probation and Confirmation to the Service.**—(1) The person recruited against any entry post of any branch of the Service for appointment shall initially remain on probation for a period of two years from the date of his joining.

Provided that the appointing authority may, for reasons to be recorded in writing, extend the probation period of a probationer up to a term not exceeding three years in aggregate.

(2) Where, during the period of probation of a probationer, the appointing authority is of the opinion that his conduct and work is unsatisfactory or that he is not likely to become efficient, it may, without showing any cause, terminate his service.

(3) After completion of the period of probation including the extended period, if any the appointing authority,—

- (a) if it is satisfied that the conduct and work of the probationer during his period of probation has been satisfactory, shall confirm him; and
- (b) if it is of the opinion that the conduct and work of the probationer during that period was not satisfactory may, without showing any reason, terminate his service,

(4) a probationer shall not be confirmed in a specified post until he has passed such examination and undergone such training as the Government may, from time to time, prescribe by order.

**13. Appointment on Contract basis to the Office of the Additional Attorney-General.**—(1) The Government shall fill up 50% posts of the Additional Attorney-General by appointment on contract basis in such manner as may be prescribed by the Government.

(2) Notwithstanding anything contained in this Ordinance, the persons appointed to the post of Additional Attorney-General under sub-section (1) shall not be the officers of the Service.

**14. Place of work, Transfer, etc.**—The Attorneys holding any post of the District Branch of the Service mentioned in Schedule II may, for public interest, be transferred inter-district:

Provided that the Attorneys specially appointed to the post of District Attorney and Additional District Attorney in the District Branch under section 23 shall not, without their consent, be transferred inter-district.

**15. Transfer on deputation from District Branch.**—Notwithstanding anything contained in section 18, the Government may temporarily appoint the District Attorney and Additional District Attorney of the District Branch to the post of Deputy Attorney-General of the Supreme Court Branch of the Service on deputation.



16. **Appointment on deputation from Service.**—The Government may temporarily appoint the attorneys from any Branch of the Service to any post of the same rank on deputation.

17. **Permanent appointment to the Supreme Court Branch.**—The Government shall make permanent appointment to the 75% posts of Assistant Attorney-General in the Supreme Court Branch of the Service by direct recruitment and subject to the provisions of section 13, fill up the posts up to the Additional Attorney-General by promotion according to the requisite qualifications mentioned in Schedule I.

18. **Permanent appointment to the Supreme Court Branch from the District Branch.**—The Government shall permanently fill up 25% posts of Assistant Attorney-General in the Supreme Court Branch of the Service from amongst the Joint-District Attorneys of the District Branch by promotion.

19. **The age-limit of retirement.**—Notwithstanding anything contained in the Public Servants (Retirement) Act, 1974.—

- (a) the officers appointed by direct recruitment or by promotion to the posts of Assistant Attorney-General in the Supreme Court Branch of the Service, on the completion of the 62 years of age;
- (b) the officers appointed specially under section 22 to the posts of Deputy Attorney-General and Additional Attorney General in the Supreme Court Branch of the Service, on the completion of the 65 years of age; and
- (c) the officers appointed specially under section 23 to the posts of Joint-District Attorney, Additional District Attorney and District Attorney in the District Branch of the Service, on the completion of the 60 years of age;

shall retire from service.

20. **Salary, allowance, etc.**—The existing Acts, Orders and rules regarding salary, allowance, leave, provident fund, gratuity, pension and other privileges applicable to the Government officers shall also apply to the officers appointed to the Service under this Ordinance.

21. **General terms and conditions of service.**—The other terms and conditions including seniority applicable to the Government officers appointed to the civil service shall, subject to the provisions of this Ordinance, apply to the officers appointed to the Service under this Ordinance.

## Chapter Four

### Special Transitional Provisions Regarding Appointment

**22. Special appointment to the Supreme Court Branch.—(1)**  
Notwithstanding anything contained in this Ordinance—

- (a) the lawyers who have, not less than 20 years, been advocate of the Supreme Court shall, subject to the provisions of clause (b), be qualified for the direct recruitment at a time to the post of the Additional Attorney-General and the lawyers who have, not less than 20 years, been advocate of the Supreme Court to the post of Deputy Attorney-General;
- (b) the candidates desiring to be appointed directly at a time under clause (a) shall have the following age limit on the last date prescribed for submitting the applications—
  - (i) for the post of Additional Attorney-General, not more than 55 years; and
  - (ii) for the post of Deputy Additional Attorney-General, not more than 50 years.

(2) No person shall be qualified for the recruitment under sub-section (1), if—

- (a) he is disqualified in accordance with the provisions of sub-section (3) of section 10;
- (b) he is disqualified in accordance with the provisions of clauses (a) and (c) of sub-section (4) of the said section;

(3) During the selection and appointment under this section, if more than one persons are recruited to the same post, the person who was senior in the practice of law shall, subject to the provisions of sub-sections (4) and (5), be senior in the Service,

(4) Where, two or more persons recruited for appointment under sub-section (1), joined in the practice of law on the same date, the seniority shall be determined according of the seniority of their ages.

(5) Any person appointed subsequently to any post by selection under this section, shall not be senior to any person or persons appointed previously to the said post, for the reasons of seniority of age or his seniority in the practice of law.

(6) If any of the applicants has previously worked as an Additional Attorney-General, Deputy Attorney-General or Assistant Attorney-General, his such experience shall be considered as a special qualification for appointment to any post under sub-section (1).

(7) The Commission shall, select the candidates in such manner and such principles as may be determined by it, and make a recommendation for appointment to the respective posts.

(8) The direct recruitment shall be made at a time or successively to some specified posts of Additional Attorney-General and Deputy Attorney-General under this section by special arrangement.

(9) The Government shall, on the basis of recommendation of the Commission under sub-section (7), by notification in the official Gazette, appoint the officers recruited under this section serially in accordance with their seniority.

(10) The Government shall pay 100% special allowance in addition to his basic to the Additional Attorney-General appointed by special arrangement under this section and 75% special allowance in addition to his basic to the Deputy Attorney-General appointed by special arrangement under this section.

(11) No recruitment shall be made by any special arrangement under this section, after expiring a period of two years on the commencement of this Ordinance.

**23. Special appointment to the District Branch.**—(1) Notwithstanding anything contained in this Ordinance—

(a) the lawyers who have, not less than 15 years, been advocate in Bangladesh shall, subject to the provisions of clause (b), be qualified for the direct recruitment at a time to the office of the District Attorney, the lawyers who have, not less than 10 years, been advocate in Bangladesh be qualified for the direct recruitment at a time to the office of Additional District Attorney, and the lawyers who have, not less than 7 years, been advocate in Bangladesh be qualified for the direct recruitment at a time to the office of Joint-District Attorney;

(b) the candidates desiring to be appointed directly at a time under the foregoing clause (a) shall have the following age limit at the last date prescribed for submitting the applications—

(i) for the post of District Attorney, not more than 54 years;

- (ii) for the post of Additional District Attorney, not more than 45 years; and
- (iii) for the post of Joint-District Attorney, not more than 38 years.

(2) No person shall be qualified for recruitment under sub-section (1), if—

(a) he is disqualified in accordance with the provisions of sub-section (3) of section 10;

(b) he is not qualified in accordance with the provisions of clauses (a) and (c) of sub-section (4) of the said section;

(3) During the selection and appointment under this section, if more than one persons are recruited to the same post, the person who was senior in the practice of law shall, subject to the provisions of sub-sections (4) and (5), be senior in the Service.

(4) Where, two or more persons recruited for appointment under sub-section (1), joined in the practice of law on the same date, the seniority shall be determined according to the seniority of their ages.

(5) Any person appointed subsequently to any post by recruitment under this section, shall not be senior to any person or persons appointed previously to the said post, for the reasons of seniority of age or his seniority in the practice of law.

(6) If any of the applicants has previously worked as a Government Pleader, Assistant Government Pleader, Local Government Pleader, Public Prosecutor, Special Public Prosecutor, Additional Public Prosecutor or Assistant Public Prosecutor, his such experience shall be considered as a special qualification for appointment to any post under sub-section (1).

(7) The Commission shall select the candidates in such manner and such principles as may be determined by it, and make a recommendation for appointment to the respective posts.

(8) The direct recruitment shall be made at a time or successively to some specified posts of District Attorney, Additional District Attorney and Joint-District Attorney under this section by special arrangement.

(9) The Government shall, on the basis of recommendation of the Commission under sub-section (7), by notification in the official Gazette, appoint the officers recruited under this section serially in accordance with their seniority.

(10) The Government shall pay 100%, 75% and 50% special allowance in addition to their basic respectively to the District Attorney, Additional District Attorney and Joint- District Attorney appointed by special arrangement under this section.

(11) No recruitment shall be made by any special arrangement under this section, after expiring a period of two years on the commencement of this Ordinance.

## Chapter Five

### Miscellaneous

24. **Provisions regarding the officer and staff holding the office of profit.**—The Officers and Staff appointed permanently to any Branch of the Service under the provisions of this Ordinance, shall be deemed to be public servants and to have held the office of profit.

25. **Appointment of non-government lawyers.**—Notwithstanding anything contrary to this Ordinance, the Government may, if it thinks necessary, appoint non-government lawyers for conducting any specific case before any court on behalf of the Government.

26. **Protection of action taken in good faith.**—No suit or prosecution or other legal proceedings shall lie against the Government or any officer or staff of the Service for anything which is in good faith done under this Ordinance or rules made there under for damage caused or likely to be caused to any body by such thing.

27. **Provisions for amendment to the Schedule.**—The Government may, by notification in the official Gazette, amend the Schedule.

28. **Power to make rules.**—(1) The Government may, for the purpose of this Ordinance, by notification in the official Gazette, make rules.

29. **Publication of English text.**—The Government shall, after the commencement of this Ordinance, publish an authentic text of authorized translation in English of the Bangla text of this Ordinance :

Provided that in the event of conflict between the Bangla and the English text, the Bangla text shall prevail.

30. **Repeal and Savings.**—(1) The Bangladesh Law Officers Order, 1972 ( P. O. No. 6 of 1972) is hereby repealed.

(2) Notwithstanding such repeal under sub-section (1), any Additional Attorney-General, Deputy Attorney-General and Assistant Attorney-General shall, until they have been discharged from their respective posts by special order, continue to hold their respective offices under such terms and conditions, of appointment as may be prescribed for a term of two years, after the commencement of this Ordinance, as if the Act had not been repealed.

(3) Notwithstanding the commencement of this Ordinance, the Government Pleaders, Assistant Government Pleaders, Local Government Pleaders, Public Prosecutors, Special Public Prosecutors, Additional Public Prosecutors and Assistant Public Prosecutors appointed under the existing arrangement, shall, until they have been discharged from their respective posts by special order, continue to hold their respective offices under such terms and conditions of appointment as may be prescribed for a term of three years, after the commencement of this Ordinance, as if this Ordinance had not come into force.

**Schedule-I**

[ vide section 9 ]

**Procedure of recruitment : The Supreme Court Branch.**

Sl. No.	Name of the Posts	Age limit for direct recruitment	Method of recruitment	Requisite qualifications
1	2	3	4	5
1.	Additional Attorney-General	...	(1) 50% by promotion from amongst the Deputy Attorney-General.  (2) 50% through appointment by the Government on contract basis from amongst the Lawyers practicing in the Supreme Court.	(1) <b>For appointment by promotion :</b>  Not less than three years' service in the post of deputy Attorney-General.  (2) <b>For appointment on contract basis :</b>  Not less than 20 years' experience in law practice in the Supreme Court.
2.	Deputy Attorney-General	...	By promotion from amongst the Assistant Attorney-General.	Not less than five years' service in the post of Assistant Attorney-General.
3.	Assistant Attorney-General	35 years	(1) 75% by direct recruitment on recommendation of the Public Service Commission.  (2) 25% by promotion from amongst the Joint-District Attorneys.	(1) <b>For direct recruitment :</b>  Bar at Law from the Bar Council or any institution recognized by the Government or at least Second Class Honours or Master degree with Second Class Honours in Law from a recognized university and five years' experience as a lawyer in the Supreme Court.  (2) <b>For appointment by promotion :</b>  Not less than three years' service in the post of District Assistant Attorney.

## Schedule-II

[ vide section 9 ]

## Procedure of Appointment : The District Court Branch.

Sl. No.	Name of the Posts	Age limit for direct recruitment	Method of recruitment	Requisite qualifications
1	2	3	4	5
1.	District Attorney	...	by promotion from amongst the Additional District Attorneys.	Not less than three years' service in the post of Additional District Attorney.
2.	Additional District Attorney	...	by promotion from amongst the Joint-District Attorneys.	Not less than three years' service in the post of Joint-District Attorneys.
3.	Joint-District Attorney	...	by promotion from amongst the Assistant District Attorneys.	Not less than five years' service in the post of Assistant District Attorney.
4.	Assistant District Attorney	30 years	by direct recruitment.	At least Second Class Master Degree with Second Class Honours in law from any recognized university.

দীপংকর বিশ্বাস

অনুবাদ কর্মকর্তা (লেজিসলেটিভ)।

এ, কে, এম রফিকুল ইসলাম (উপ-সচিব), উপ-নিয়ন্ত্রক, বাংলাদেশ সরকারি মুদ্রণালয়, ঢাকা কর্তৃক মুদ্রিত।  
 মোঃ আখতার হোসেন (উপ-সচিব), উপ-নিয়ন্ত্রক, বাংলাদেশ ফরম ও প্রকাশনা অফিস,  
 তেজগাঁও, ঢাকা কর্তৃক প্রকাশিত।