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Extraordinary Published by Authority

SATURDAY, APRIL 8, 1972

PART IIIA—Ordinances and Orders promulgated by the President of the People's Republic of Bangladesh.

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

(Law Division)

NOTIFICATION

No. 321-Pub.—8th April, 1972—The following Order made by the President, on the advice of the Prime Minister, of the People's Republic of Bangladesh on the 8th April, 1972, is hereby published for general information:—

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

(Law Division)

President's Order No. 34 of 1972.

THE BANGLADESH PUBLIC SERVICE COMMISSIONS ORDER, 1972.

WHEREAS it is expedient to provide for the constitution of two Public Service Commissions in Bangladesh and for matters connected therewith;

Now, THEREFORE, in pursuance of the Proclamation of Independence of Bangladesh, read with the Provisional Constitution of Bangladesh Order, 1972, and in exercise of all powers enabling him in that behalf, the President is pleased to make the following Order:—

- 1. (/) This Order may be called the Bangladesh Public Service Commissions Order, 1972.
 - (2) It extends to the whole of Bangladesh, all a said
 - (3) It shall come into force at once.





- 2. In this Order, unless there is anything repugnant in the subject or
 - (a) "Central Commission" means the Public Service Commission which, before the 26th day of March, 1971, was known as the Central Public Service Commission of Pakistan;
 - (b) "Commission" means the Bangladesh Public Service (First) Commission or the Bangladesh Public Service (Second) Commission constituted by this Order;
 - (c) "Government" means the Government of the Republic;
 - (d) "High Court" means the High Court of Bangladesh;
 - (e) "Provincial Commission" means the Public Service Commission which, before the 26th day of March, 1971, was known as the Public Service Commission, East Pakistan;
 - (f) "Republic" means the People's Republic of Bangladesh;
 - (g) "statutory body" means a local authority, statutory corporation or other body, authority or ogranisation constituted, established or set up by the Government, but does not include a university.
- 3. On the commencement of this Order, there shall be constituted two Public Service Commissions—one to be called the Bangladesh Public Service (Second) Commission.
- 4. Each Commission shall consist of a Chairman and such number of other members as may be fixed by the President.
- 5. (/) The Chairman and other members of a Commission shall be appointed by the President.
- (2) The terms and conditions of service of the Chairman and other members of a Commission shall be determined by the President.
- (3) Not less than one-half of the members of a Commission shall be persons who have held office in the service of Bangladesh for not less than 15 years.

Explanation:—For the purpose of this Article, "the service of Bangladesh" shall be deemed to include the service of Pakistan before the commencement of this Order.

- 6. (1) Before entering upon his office, the Chairman or a member of a Commission shall make an oath in the form set out in the Schedule.
 - (2) The oath shall be made before the Chief Justice of the High Court.
- 7. (1) The Chairman or a member of a Commission shall, subject to this Article, hold office for a term of three years or until he attains the age of sixty-five years, whichever is earlier.

- (2) The Chairman or a member of a Commission shall not be removed from office except on the grounds and in the manner applicable to a Judge of the High Court.
- (3) The Chairman or a member of a Commission may resign his office by writing under his hand addressed to the President.
 - (4) On ceasing to hold office-
 - (a) The Chairman of a Commission shall not be eligible for further employment in the service of Bangladesh;
 - (b) A member of a Commission shall be eligible for appointment as Chairman of a Commission, but shall not be eligible for any other employment in the service of Bangladesh.
- 8. (1) The functions of the Bangladesh Public Service (First) Commission
 - (a) to conduct tests and examinations for the selection of suitable persons for appointment to—
 - (i) the Gazetted Civil Services and posts connected with the affairs of the Republic; and (ii) the Class I and Class II services and posts connected with the affairs of a statutory body:
 - (b) to advice the President or the Chairman or the Chief Executive Officer of a Statutory body, as the case may be, on any matter on which the Commission is consulted under clause (2) or which is referred to the Commission by the President or the Chairman or the Chief Executive Officer of a statutory body; and
 - (c) such other functions as may be prescribed by law
- (2) Except to the extent that the President may after consultation with the Commission provide otherwise by regulations, the President, in relation to the gazetted civil services and posts connected with the affairs of the Republic or the Chairman or the Chief Executive Officer of a statutory body, in relation to the Class 1 and Class II services and posts connected with the affairs of such statutory body, shall consult the Commission with respect to—
 - (a) matters relating to qualifications for, and methods of recruitment to services and posts,
 - (b) principles to be followed in making appointments to services and posts and in making promotions and transfer from one service to another and on the suitability of candidates for such appointments and promotions or transfer;
 - (e) matters affecting terms and conditions of service and proposals adversely affecting pension rights; and
 - (d) disciplinary matters.

Explanation:—In this Article, "Class I or Class II services and posts" mean the services and posts classified as Class I or Class II by any rules, regulations, bye-laws or orders relating to classification of such services and posts.

(2) Any tests or examinations conducted, advice given or other functions reformed, by the Central Commission or the Provicial Commission, and decisions taken in pursuance of such tests, examinations, advice or other functions, during the period from the 26th March to the 15th December, 1971, shall be deemed to be invalid:

Provided that the President may, after review, declare to be valid all or any such tests, examinations, advice or other functions and pass such other orders as he may deem necessary.

- (3) Notwithstanding anything contained in clause (7), any tests or examinations conducted, advice given, or other functions performed by the Provincial Commission and decisions taken in pursuance of such tests, examinations, advice or other functions during the period from the 16th December, 1971, to the commencement of this Order shall be deemed to be valid unless, after review, the President in any case decides otherwise.
- 12. (1) The number of members of the staff of a Commission and their terms and conditions of service shall be determined by the President.
- (2) All members of the staff of the Central Commission and the Provincial Commission, who are citizens of Bangladesh and who, immediately before the commencement of this Order, were deemed to be serving in the territories of Bangladesh shall, on the commencement of this Order, be deemed to be persons serving as members of the staff of a Commission, to be specified by the President, on such terms and conditions as may be determined by him:

Provided that until such terms and conditions are so determined, they shall serve, subject to such changes and modifications as may or may have been made by the Government, on the terms and conditions which were applicable to them immediately before the commencement of this Order.

- 13. Notwithstanding anything contained in this Order, all orders and regulations (not being those concerning emoluments) relating to the Central Commission and the Provincial Commission shall, as far as they are not inconsistent with the provisions of this Order, continue in force, with necessary modifications, until altered or rescinded as if they have been made under this Order.
- 14. (1) Each Commission shall, not later than the first day of March each year, prepare a report on its activities during the year ending on the previous thirty-first day of December and submit the report to the President.
- (2) The report shall be accompanied by a memorandum setting out, so far as is known to the Commission—
 - (a) the cases, if any, in which its advice was not accepted and the reasons why the advice was not accepted;
 - (b) the cases where the Commission ought to have consulted and was not consulted, and the reasons why it was not consulted.
- (3) The President shall cause the report and memorandum to be laid before the legislature at the first meeting of the legislature held after the thirty-first day of March in the year in which the report was submitted.



(2) Any tests or examinations conducted, advice given or other functions performed, by the Central Commission or the Provicial Commission, and decisions taken in pursuance of such tests, examinations, advice or other functions, during the period from the 26th March to the 15th December, 1971, shall be deemed to be invalid: Cart Sales

Provided that the President may, after review, declare to be valid all or any such tests, examinations, advice or other functions and pass such other orders as he may deem necessary.

- (3) Notwithstanding anything contained in clause (1), any tests or examinations conducted, advice given, or other functions performed by the Provincial Commission and decisions taken in pursuance of such tests, examinations, advice or other functions during the period from the 16th December, 1971, to the commencement of this Order shall be deemed to be valid unless, after review, the President in any case decides otherwise.
- 12. (1) The number of members of the staff of a Commission and their terms and conditions of service shall be determined by the President.
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Provided that until such terms and conditions are so determined, they shall serve, subject to such changes and modifications as may or may have been made by the Government, on the terms and conditions which were applicable to them immediately before the commencement of this Order

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 - (b) the cases where the Commission ought to have consulted and was not consulted, and the reasons why it was not consulted.
- (3) The President shall cause the report and memorandum to be laid before the legislature at the first meeting of the legislature held after the thirty-first day of March in the year in which the report was submitted.

SCHEDULE

swear that I will bear true faith and allegiance to Bangladesh;

That, as the Chairman a Member of Bangladesh Public Service (First) Commission, I will discharge my duties, and perform my functions, honestly to the best of my ability, faithfully in accordance with the Constitution and law, and always in the interest of the solidarity, integrity, well-being and prosperity of Bangladesh.

That, I will not allow my personal interest to influence my official conduct and my official decisions and that in the performance of my functions (whether in the selection of persons for recruitment or promotion or in any other way) I will act without fear or favour, affection or ill-will.

Torth place the state of the same of the s

A. S. CHOWDHURY

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The 8th April, 1972.

President of the People's Republic of Bangladesh.

AZIMUDDIN AHMAD
Deputy Secretary.