

## English Translation

Reg. No DA-1

### BANGLADESH GAZETTE

Extraordinary Issue

Published by the Authority

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**Sunday, 9th July 1995**

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### BANGLADESH PARLIAMENT

Dhaka the 9th July, 1995/25 Asharh 1402

The following Act of Parliament received the assent of the President on the 8th July, 1995 (24th Asharh, 1402) and are hereby published for general information:-

### **Act No XV of 1995**

#### *An Act enacted to set up Judicial Administration Training Institute*

Whereas it is expedient to arrange for training of persons appointed in the judicial service, lawyers and some other professionals connected with the judicial system in order to increase their professional efficiency;

And whereas it is expedient and necessary to set up an Institute named Judicial Administration Training Institute to arrange and organize such training;

It is hereby enacted as follows :

**1. Short title and commencement :-** (1) This Act may be called the Judicial Administration Training Institute Act, 1995.

(2) It shall be deemed to have come into force on the 23rd March, 1995, corresponding to the 9th Chaitra, 1401.

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

(a) "Institute" means the Judicial Administration Training Institute set up under this Act;

(b) "Chairman" means the Chairman of the Board;

- (c) "Chief Justice" means the Chief Justice of Bangladesh;
- (d) "Regulations" mean regulations framed under this Act;
- (e) "Rules" mean rules framed under this Act;
- (f) "Board" means the Management Board of the Institute;
- (g) "Vice Chairman" means the Vice Chairman of the Board;
- (h) "Director General" means the Director General of the Institute;
- (i) "Member" means a member of the Board.

**3. Establishment of the Institute.** (1) As soon as may be after the commencement of this Act, the Government shall, by a notification in the official gazette, set up an Institute named Judicial Administration Training Institute in accordance with the provisions of this Act.

- (2) The Institute shall be a statutory authority, having perpetual succession and a common seal, with powers, subject to the provisions of this Act and rules, to acquire, hold and dispose of property, both movable and immovable, and shall by the said name sue and be sued.

**4. Office of the Institute.** The Institute shall have its principal office in Dhaka and, with prior approval of the Government, it can set up its branch offices at any other places.

**5. Administration of the Institute.** The management and administration of the Institute shall be vested in the Management Board which shall exercise all powers and perform all functions of the Institute.

\* **[6. Management Board:-** *The Management Board shall comprise the following members, namely-*

- (a) *The Chief Justice, ex-officio, who shall also be its Chairman;*

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\* Section 6 has been substituted by Act No. IX of 2006 (with effect from 23rd February, 2006)

- (b) *Two judges of the Supreme Court either sitting or retired to be nominated by the Chief Justice, and the senior of them shall be its Vice Chairman;*
- (c) *Attorney General for Bangladesh, ex-officio;*
- (d) *Director General, Judicial Administration Training Institute, ex-officio;*
- (e) *Secretary, Ministry of Establishment, ex-officio;*
- (f) *Secretary, Ministry of Finance (Finance Division), ex-officio;*
- (g) *Secretary, Ministry of Law, Justice and parliamentary Affairs, ex-officio;*
- (h) *Rector, Bangladesh Public Administration Training Centre, ex-officio;*
- (i) *Registrar, Bangladesh Supreme Court, ex-officio;*
- (j) *District and Session Judge, Dhaka, ex-officio;*
- (k) *Dean, Faculty of Law, Dhaka University, ex-officio;*
- (l) *Dean, Faculty of Law, Rajshahi University, ex-officio;*
- (m) *Vice Chairman, Bangladesh Bar Council, ex-officio;*
- (n) *President, Supreme Court Bar Association, ex-officio;*
- (o) *Director (Administration) of the Institute who shall also be its Secretary.]*

<sup>2</sup>**6. A. The Adviser :** (1) *The Minister or the State Minister in charge of the Ministry of Law, Justice and Parliamentary Affairs shall be the adviser to the Board.*

(2) *He shall advise the Management Board when solicited and in any other matter to fulfill the purpose of the Act.*

(3) *The Adviser, if considered necessary, can attend any meeting of the Board.]*

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2. Section 6A was added by the Judicial Administration Training Institute (Amendment) Act 1997 (Act 5 of 1997) s.2 (with effect from 24th February, 1997).

**7. Functions of the Institute.** The functions of the Institute shall be as follows:

- (a) To impart training to the persons appointed in the judicial service, Law Officers entrusted with conducting of government cases, Advocates enlisted with the Bangladesh Bar Council and officers and staff of all courts and tribunals subordinate to the High Court Division of the Supreme Court;
- (b) To arrange and impart training in legislative drafting and drafting of other legal documents;
- (c) To impart training in legislative drafting and drafting of other legal documents to trainees from abroad in cooperation with international donor agencies;
- (d) To conduct research and investigation in respect of court management and to publish the same;
- (e) To arrange and conduct national and international conferences, workshops and symposia for improvement of the judicial system and quantity of judicial work;
- (f) To publish periodicals, reports etc. on the judicial system and court management;
- (g) To advise the Government on any matter relating to the judicial system and court management;
- (h) To determine the subjects of study and curriculum and all other matters relating to training programmes under this Act;
- (i) To award certificates to those trained in the Institute;
- (j) To establish and manage the libraries and reading rooms;
- (k) Any work, determined by rules, to activate the judicial administration system;
- (l) Any actions necessary for fulfilling the above functions.

**8. Board Meeting.** (1) The Board, subject to other provisions in this section, shall determine the procedure of its meeting.

- (2) The meeting of the Board shall be held at place and time determined by the Chairman.

- (3) The Chairman shall preside over all the meeting of the Board and in his absence by the Vice Chairman and in the absence of both by a member empowered in writing by the Chairman.
- (4) The presence of at least one-third of the total number of members shall be required for quorum of the meeting of the Board but no quorum shall be needed for an adjourned meeting.
- (5) Each member of the Board shall have one vote, and in the case of equality of votes the presiding member shall have a second or casting vote.
- (6) No actions or proceedings of the Board shall be illegal due to vacancy in the Board or defect in its formation and no question can be raised about it.

**9. Committee.** The Board, in order to assist it in discharging its duties, may constitute one or more committees.

**10. Fund of the Institute.** (1) The Institute shall have a fund, and the following kinds of money shall be deposited therein:

- (a) Grants from the Government;
  - (b) Grants from the local authorities;
  - (c) Loan obtained with prior approval of the Government;
  - (d) Sale proceeds of the property of the Institute;
  - (e) Fund received from any other sources.
- (2) The fund shall be deposited in the name of the Institute in a scheduled bank and can be withdrawn in the procedure to be determined by the Board.
  - (3) Necessary expenses of the Institute shall be borne from the fund.
  - (4) The Institute can invest the fund in any securities approved by the Government.

**11. Director General.** (1) The Institute shall have a Director General.

<sup>3</sup> [1(a) *A person who is or has been or is qualified to be a judge of the Supreme Court shall be the Director General.*]

- (2) The Director General shall be appointed by the Government and the terms and condition of his service shall be determined by the Government.
- (3) If the post of the Director General becomes vacant, or if he is unable to discharge his duties on account of absence, illness or any other cause, a person nominated by the Government shall act as Director General till a newly appointed Director General takes over or the Director General resumes his duties.
- (4) The Director General shall be the full time Chief Executive Officer of the Institute, and he shall;
  - (a) be responsible for the implementation of the decisions of the Board;
  - (b) discharge other functions of the Institute as per instruction of the Board.

**12. Appointment of Officers and Employees.** The Institute can appoint required number of officers and staff for proper discharge of its duties and the terms and conditions of their service shall be determined by regulations.

**13. Annual Budget Statement.** The Institute shall submit, within the time fixed by the Government, an annual budget statement for the next financial year to the Government stating therein the amount of the fund required by the Institute from the Government.

**14. Accounts and Audit.** (1) The Institute shall maintain its accounts properly and prepare an Annual Statement of accounts.

- (2) The Comptroller and Auditor General, hereinafter referred to as Auditor General, shall audit the accounts of the Institute every year and submit copy of the audit report to the Government and the Institute.

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*3. Section 11 (1a) was added by the Judicial Administration Training Institute (Amendment) Act 1997 (Act 5 of 1997) s.3 (with effect from 24th February, 1997)*

- (3) For the purpose of audit of the accounts in accordance with sub-section (2), the Auditor General or a person authorized by him can examine all records, documents, cash or money deposited in Bank, securities, stores and other properties of the Institute, and can question any member, officer or employee of the Institute.

**15. Report.** (1) The Institute, shall submit to the Government an Annual Report stating the acts performed by it in that year immediately with the expiry of each financial year.

- (2) The Government, if considered necessary, can call for reports or statements on any matters of the Institute and the Institute shall be bound to send the same.

**16. Indemnity of acts done in Good Faith.** If any person suffers or likely to suffer loss by any act done in good faith under this Act, rules or regulation, no civil or criminal case or any legal proceeding shall lie against the Board, Chairman, Member, Director General or any other officer or staff of the Institute.

**17. Delegation of Power.** The Board, subject to any appropriate condition, may delegate any of its power or authority to the Chairman, any Member or the Director General or any other officer of the Institute.

**18. Power to make Rules.** The Government may, for the purpose of this Act, make rules by a notification published in the official gazette.

**19. Power of make Regulations.** The Institute, for the purpose of this Act, may make regulations, not inconsistent with this Act or rules framed thereunder, with the prior approval of the Government by a notification in the official gazette.

**20. Repeal.** (1) The Judicial Administration Training Institute Ordinance 1995 (Ordinance No 2 of 1995) is hereby repealed.

- (2) Notwithstanding the repeal, the acts done and actions taken under the repealed Ordinance shall be deemed to have been done under this Act.

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