

## CHAPTER 21.

### RECORDS OF COURTS OF SMALL CAUSES.

486. In Small Cause Court cases no order-sheet need ordinarily be attached, the orders being recorded on the back of the plaint. When, however, the defendant appears and a case becomes contested, an order-sheet should be attached.

*Note.*—When the space on the back of the plaint is exhausted before an undefended case is disposed of, an order-sheet may be attached.

487. The record shall be prefixed by a table of contents and shall consist of only one file including proceedings in execution taken in a Small Cause Court. Papers connected with any such proceedings will be shown in the table of contents under a separate heading giving the number of the miscellaneous case, execution case, etc.

*Note.*—Papers should be arranged in the order in which they are filed, except that written statement (if any) shall be placed after the plaint.

488. The Rules in Part III should, as far as they may be applicable, be followed in the case of records of Courts of Small Causes.

*Note.*—The rules of the following subjects amongst others should be observed :—

Writing on order-sheet, endorsement and return of rejected documents, marking of exhibits, making a list of documents admitted in evidence, return of documents produced but not tendered in evidence, etc.

489. The records of suits decided by Judges of Small Cause Courts when presiding in such Courts shall not be forwarded to the District Record-Room, but shall be retained in the trial Courts until the period of their destruction, as hereinafter specified, shall arrive.

490. The records of suits decided by officers vested with the powers of a Small Cause Court Judge, shall in the course of the next succeeding month after disposal be deposited in the District Record-Room at headquarters stations and the Munsifs' Record-Room at outlying stations and preserved there until such time as they are destroyed under these rules.

491. The records shall be divided into two groups and sent in separate bundles to the record-room with separate lists in Form No. R (32), Volume II, each record being prominently marked A or B in accordance with the following classification:—

Group A—Records of cases in which any one is entitled to recover anything.

Group B—Records of cases in which no one is entitled to recover anything; *e.g.*, cases dismissed for default or on satisfaction, in which the decretal amount has been paid or otherwise adjusted before the arrival of record, etc.

*Note 1.*—The record-keeper or the clerk in charge of the file (in outlying stations), as the case may be, shall note in the lists the date of removal and return whenever a record is taken back by the trial Court or any other Court in connection with execution and other proceedings or is

called for under Or. 13, r. 10, C. P. Code. The lists shall be preserved for the same period as the records to which they relate. When records are deposited in the District Record-Room, clerks placed in charge of the Small Cause Court files of the several Courts at Sadar will be able to obtain them on presentation of a requisition signed by the Sheristadar of the Court for the purposes of execution or other proceedings and will be entirely responsible for their custody or for them during the progress of such proceedings.

*Note 2.*—In the case of Small Cause Court records, the duty of repunching court-fee stamps imposed upon the District Record-keeper by rule 440(3) and the duties imposed by rules 440 (4), 441, and 443 and the duty of destroying records in accordance with the prescribed rules shall be performed in the manner laid down in the said rules by the officer placed in charge of Small Cause Court records. The order placing an officer-in-charge of such records shall be in writing.

492. (1) The record-keeper or the clerk-in-charge of the records (in outlying Courts), as the case may be, shall arrange them chronologically, Court by Court, in groups and place them on the shelves in monthly bundles. The records in the District Record-Room shall be kept apart from the other records.

(2) The records will be kept in the bundles in order of their dates of disposal.

(3) The names of the groups will be prominently shown on the shelves and the space allotted to Group A should be sufficient for the accommodation of records for three years and that to Group B for one year.

(4) Besides Groups A and B there will be the following two subsidiary groups formed out of records transferred from Group A by reason of steps taken in execution or of subsequent satisfaction:—

Group A-1—Records of cases in which execution has been applied for within three years either to enforce the decree or any unpaid instalment.

Group B-1—Records of cases in which the decree has been fully satisfied.

The records of these two groups will be made up into separate monthly bundles. A-1 bundles will be kept on the shelves with A bundles and B-1 bundles with B bundles of the corresponding month.

(5) The transfer of a record from A to A-1 or B-1 Group or from one bundle in A-1 Group to another bundle will be effected as occasion arises, regard being had to the provisions in clause (4) of this rule. When an execution is applied for, there will be no difficulty in finding out the proper record from Group A or Group A-1 as the case may be.

(6) A conspicuous note should be made of the date of disposal and of the results of the suit and of every subsequent proceeding which has the effect of postponing the date of destruction of the record, on the outer sheet of each record.

493. Records of Groups A and A-1 left over after transfer in pursuance of the above rules by reason of execution or other proceedings shall be destroyed at the end of three years, and those belonging to Groups B and B-1 at the end of one year from their dates of disposal. After 12 years from the date of decree all records shall be destroyed whether there has been a satisfaction or not.

*Note 1.*—For the purpose of this rule, time should be counted from the date of the last instalment allowed by the Court.

*Note 2.*—If the decree be executed as a money execution case a note must be made in the original record; and the record placed in the A bundle of the month in which the final orders in the application for execution are passed.



494. Destruction shall be carried out monthly. The record-keeper shall during the first week of every month remove the bundles due for destruction and note the number of the cases in a bound book to be kept for the purpose. He shall also take the orders thereon of the Judge-in-charge or the presiding Judge of the Court as the case may be and then destroy the records making a note in the lists where necessary.

*Note.*—Lists destroyed shall also be entered in this book which is to be preserved for six years.

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CLASSIFICATION, PRESERVATION AND DESTRUCTION OF  
CORRESPONDENCE IN DISTRICT JUDGE'S ENGLISH  
OFFICE.\*

495. There shall be separate almirahs marked "Current" "Recent" and "Old" to contain correspondence of the current year, the preceding one, two or three years and of the last twelve years. In the almirahs a convenient number of compartments should be assigned to papers of different departments according to requirement.

496. The following classification of papers should be made:—

A	..	..	..	To be preserved forever.
B	..	..	..	To be preserved for 12 years.
C	..	..	..	To be preserved for 3 years.
D	..	..	..	To be preserved for 1 year.

It is generally possible to determine at once to which class a paper will belong and to prevent an undue accumulation and neglect of this work, it is desirable at once to distinguish all letters and papers as A, B, C, D, and mark them prominently by the use of A, B, C, D, stamps.

497. At the end of the current year, all correspondence and collections should be gone through and examined. Of the correspondence which has become 12 years old, that of the A Class should be sent to the record-room (*vide* rule 503), the rest being destroyed. "Recent" correspondence three years old (marked A or B) should be transferred to the "Old" correspondence, that marked C being destroyed and "Current" correspondence should be transferred to the "Recent" correspondence, that marked D being destroyed. Destruction must be by fire.

498. It will always demand the exercise of considerable circumspection, local knowledge and intelligence to prevent the destruction of papers that may be needed for future reference. Much, therefore, must depend on the careful supervision of the District Judge or the subordinate judicial officer placed in charge of the English Office. No rules can be applicable to all cases in all districts, and it is not intended that the classification prescribed should be rigidly followed without the exercise of individual discretion.

499. The four lists given in rule 501 contain the detailed classification by which officers are to be guided in the destruction of correspondence. The object of this classification is to provide for the permanent preservation of all really important papers, and at the same time to ensure the periodical destruction of the mass of ephemeral and trivial correspondence that now blocks up the shelves and almirahs in the offices. It will be observed that it is "correspondence of importance" only that is classified under Class A. The object of this classification is to enable a District Judge to weed the files of papers of no permanent value.

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\*The rules in this Chapter should, as far as they may be applicable, be followed in the case of correspondence, etc., in the office of other judicial officers.



500. General or Special Letters of the Supreme Court (High Court Division), Rules and Circular Orders of the Supreme Court (High Court Division) and Circulars or Notifications received from the Government, the Accountant-General, Bangladesh, should be pasted in separate guard files with date stamp of receipt and page mark. A comprehensive index catalogue of all these papers should be started in alphabetical order for easy reference.

501. The following table shows the classification of correspondence and other records prescribed in rule 496:—

#### Class A.

Papers to be stamped with the letter A, and to be retained forever.

Correspondence of importance regarding:—

Creation, location, abolition of Courts.	Minutes of inspection of Judges of Supreme Court (High Court Division).
Power and jurisdiction of Courts (Civil and criminal).	Annual Returns and Reports and Resolutions thereon.
Buildings-construction, repair, acquisition.	General and Special Letters and Circular Orders of the Supreme Court (High Court Division).
Escheat-Intestate property.	All Circulars from Government, Accountant-General, etc.
Legal Practitioners, Government Advocate and public prosecutor Enquiries.	Correspondence on other subjects of importance to be included at District Judge's discretion.
Ministerial officers and Process-serving peons-Appointment, charge, character and work.	All old correspondence bound up in books.
Pensions.	All printed reports and books including regulations and laws.
Wills and Endowments.	Lists of papers destroyed.

#### Class B.

Papers to be stamped with the letter B, and to be kept for 12 years.

Correspondence regarding :—

Any of the subjects mentioned under Class A, which is of comparatively small importance and which it is obviously unnecessary to keep beyond twelve years.	Budgets. Embezzlements. Stationery, furniture. Indents, Audit reports, Inspection reports of Commissioners and Deputy Commissioners.
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Securities of officers except those of ministerial officers who are dead and no longer inservice, in which case they become C papers the period of retention being calculated from the date of termination of service.

District Judge's Inspection Reports, Consolidated quarterly statements, Dacca Gazette, Government Price Lists.

Matters of account.

Other correspondence of a miscellaneous nature to be included at the District Judge's discretion

### Class C.

Papers to be stamped with the letter C, and to be destroyed after three years.

Ministerial Officers and process-serving Peons-Promotion, increment, dismissal, retirement, extension of service, departmental enquiries, transfer, leave.

Indents for forms, stationery, books, furniture.

Accountant-General Bangladesh's objection statements and explanations thereon.

Legal Practitioners-Probationary Advocates, cancelled licenses, commission, survey examination.

Charge letter of judicial officers. Orders about contract and contingency grants.

Opinions on Acts, Bills, etc. All monthly, quarterly and half-yearly returns from subordinate Courts. Inspection reports not otherwise provided for.

All other miscellaneous matters that do not come under the above classifications.

### Class D.

Papers to be stamped with the letter D, and to be destroyed after one year.

All reminders, memoranda and similar unimportant small letters in Classes A, B and C.

Other correspondence of a miscellaneous nature to be included at the District Judge's discretion.

Mere formal correspondence, acknowledgement of letters, publications and other trivial correspondence.

Applications from ministerial officers.

### Civil list.

502. Although according to the lists, papers in Class A are to be kept "for ever", an expression used because it is unsafe to fix any period within which they may be unobjectionably destroyed, it is necessary, in order to prevent the excessive accumulation of papers, to make arrangement for periodically relieving the record-room of old papers which are really of no permanent importance or administrative interest. Such a revision should accordingly be made every five years and a report made to the District Judge upon whose authority the superfluous records will then after personal inspection be destroyed.

503. At the close of each year, the A Class correspondence (*i.e.*, correspondence to be preserved for quinquennial revision) which has passed out of the



category of old correspondence will be transferred to the record-room with a flat index board attached in the following form :—

**NAME OF OFFICE.**

Files Nos. 1 to.....

A files to be examined every five years.

First examination to be made in 19.....

Date of examination made.	Serial number of files destroyed.	File removed.		
		No.	Where gone	Date and initial of clerk.

The Issue and the Receipt register and the Index register should also be transferred along with the correspondence.

504. (1) Before transfer, the office should see that all the serial numbers are on the file and in proper order and that the fly sheet is properly filled up, and that all B papers have been destroyed.

(2) It is the duty of the record-keeper to satisfy himself that all "B" papers have been destroyed, that each file has a fly-leaf properly filled up and that the papers are arranged in due serial order.

505. The record-keeper will then re-tie the bundles keeping the files in numerical order and making the bundles of sufficient depth to fill up the shelf on which they are to be kept altering the number on the index board to agree with files in the bundle. This should be done by writing the new number in bold black ink figures on a slip of white paper and gumming the slip over the old figures. He will hang up a board denoting the year on the shelf on which the bundles of files relating to that year are placed.

506. If a document or file is taken out of the bundle for any purpose, a receipt must be obtained for it and put in its proper place on the file to which it belongs or in the bundle of files in proper numerical order.

507. A note giving the file number, the name of the officer to whom it has been sent, and the date of sending, should also be made, on the front board in the case of the file being removed. When a file so taken out is returned to the record-keeper, it is to be at once replaced in its proper place in its bundle and the entry in the front board crossed out in ink. If the space on the front board becomes filled up, a piece of white foolscap paper should be pasted over it, and the process above described should be repeated.

508. Copies of the *Dacca Gazette* supplied to District Judges should be bound in yearly volumes, which should be preserved in the record-room for 12 years, and sold at the expiry of that period.

509. Confidential papers should be classified as follows :—

- (a) Papers (mostly printed) which are confidential in a minor or more or less formal sense, such as confidential circulars issued by various departments of Government, etc.
- (b) Character statements of subordinate officers.
- (c) Papers which are confidential only during the pendency of discussion and not after a decision has been arrived at.
- (d) Papers which are strictly confidential and the demi-official correspondences of heads of the offices with one another.

510. Papers falling under heads (a) and (b) of rule 509 should be kept in the office in a box or almirah fitted with a Chubb's lock, the key of which should remain with the confidential clerk when there is one, or the judicial officer, if any, in-charge of the English office, unless for any reason the head of the office thinks it necessary to keep the key himself. They should be entered in a special register, in which should be entered the date of receipt, the number and date of letter, the subject to which it relates and the nature of the action taken. When a case is taken out of, or returned to the almirah or box, a note to that effect should be made in the register. The register should also be under lock and key. When the officer-in-charge of these papers goes on leave or is transferred, he should hand over the key to his successor after verifying the contents of the box or almirah in his presence.

511. Papers falling under heads (c) and (d) of rule 509 should be kept in a locked box or drawer in the personal custody of the District Judge. When vacating his office, he should personally hand them over to his successor.

512. At the end of year the papers of all four classes should be examined under the personal supervision of the District Judge and papers which it is no longer necessary to keep should be destroyed, and papers falling under heads (c) and (d) of rule 509 should be transferred at his discretion to the office almirah.

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**PART IV.—INFORMATION, COPIES AND COPYING  
DEPARTMENT.**

**CHAPTER 23.**

**INFORMATION.**

513. Any person may apply for information from the records and registers of any court.

514. All applications for information shall be made in the prescribed form No. (M) 55 to the Judge-in-charge of the District Record-Room or some other officer designated by him for the purpose and in the case of records in the office of the different Courts, to the presiding Judges of those Courts' during the first two hours of the Court's daily sitting.

*Note.*—Form [No. (M) 55,] applications for information shall be destroyed after three months.

515. Information may be asked for in one application in respect of any number of items taken from the same record or register.

*Note.*—For the meaning of "same register", see Explanation to Note 1, rule 534(1)(a).

516. (1) The officer receiving applications shall number them consecutively and enter them in the prescribed register [Form No. (R) 24] and the date of receipt shall be noted, or stamped thereon. If the information can be furnished at once, he will note the same on the upper portion of the form in the remark column and make that part over to the applicant, taking the latter's dated receipt in the lower portion which will be retained and recorded in the office.

*Note.*—Urgent applications will be entered in the register in red ink.

(2) If the information cannot be furnished at once, he will enter in the fourth column of the Form No. (M) 55 as also in the lower receipt portion the date and, if possible, the hour, by which the information will be furnished. The lower receipt portion will then be torn off and made over to the applicant with a direction to present it on the day and hour noted. The upper portion will be immediately passed on to the ministerial officer in immediate charge of the record concerned who shall enter in the remark column the information required and return it to the receiving officer before the time prescribed. The upper portion bearing the information will be made over to the applicant on his reappearance and production of the lower portion which will be retained and recorded in the office after taking his dated receipt on it, as also in the Register of applications for information [Form No. (R) 24].

*Note 1.*—The Judge-in-charge or the presiding officer, as the case may be, will fix the hours within which applicants should reappear for taking delivery of the paper containing the information.

*Note 2.*—Each clerk through whose hands an application for information passes shall put his initials and the date and hour of receipt and passing on by him on the back of the application in the manner indicated in rule 547.

517. Information should ordinarily be supplied by forenoon of the next open day after the presentation of the application. Urgent applications should ordinarily be complied with on the day on which they are presented.

*Note 1.*—The Judge-in-charge or the presiding Judge should see that whenever possible, information capable of being supplied from current records or registers, or records, registers, etc., which can be easily located, is supplied to applicants by 3 p.m. on the day the applications are filed and in case of Saturdays by 1 p.m.



*Note 2.*—The rules in this Chapter with regard to applications for information have been framed for the convenience of members of the legal profession in order to ensure that accurate information with regard to current business is supplied to them as promptly as possible. Any delay in complying with the provisions of the rules in this part, either as regards applications for information or applications for copies, should be brought to the immediate notice of the Judge-in-charge of the record-room or the presiding officer as the case may be.

518. Information requiring anything but short answers shall not be given. If any extract from the record or the substance of any order, etc., or document is desired, the proper course is to apply for a copy.

519. Only one application need be made for information required in connection with a single cause or matter, *e.g.*, if information is required of four separate papers in one record, only one application is necessary. When information relating to different matters or causes is wanted, as many applications are necessary, as the matters or causes to which they relate.

*Note.*—This rule applies equally to application for copies.

520. Defective applications and applications of which the information asked for cannot for any reason be given shall be rejected.

*Note 1.*—It should be impressed upon the staff that applications are not to be rejected on frivolous grounds. If there are means for finding out the right record or register, it must be traced even though the description as given by the applicant may in some respects be inaccurate.

*Note 2.*—This rule and Note 1 apply equally to applications for copies.

521. Surreptitious or gratuitous supply of information by any ministerial officer is strictly prohibited and considered as a serious offence. No information which has to be applied for under these rules should be supplied unless an application is made in the prescribed form with the usual searching fee and any ministerial officer violating the rule is liable to be severely dealt with. If it is proved to the satisfaction of the Judge-in-charge or the presiding Judge of the court concerned that such practices are going on, whether responsibility can be fixed on any particular person or not, the head ministerial officer of the department concerned (Sheristadar, record-keeper, nazir, etc.), should be warned that failure to check such abuses will be reckoned as an indication of inefficiency on his part and he is liable to be degraded or otherwise punished.

*Note 1.*—The sheristadar or the record-keeper should see that outsiders do not on any account come into the room where the clerks sit or hold conversation with them.

*Note 2.*—The Judge-in-charge or the presiding Judge as the case may be, should as frequently as possible inspect the Register of applications for information and initial it with a view to see whether information which is to be applied for on payment of searching fee is being surreptitiously supplied. It is recommended that the Judge should have the information sheets distributed in his presence as often as time permits.



## CHAPTER 24.

### COPIES.

#### 1. PRESENTATION OF APPLICATION—WHO MAY OBTAIN COPIES.

522. All applications for copies of papers or documents other than those on which expedition fees are paid shall be presented in Form No. (M) 54, Volume II, to the Judge-in-charge of the copying department or some other officer designated by him for the purpose during the first two hours of the Court's daily sitting. The application shall be signed by the party requiring the copy or by his advocate or authorised agent.

523. A plaintiff, or a defendant who has appeared in the suit, is entitled, at any stage of the suit, *before or after decree*, to obtain copies of the record of the suit, including exhibits which have been put in *and finally accepted* by the Court as evidence.

*Note 1.*—A party who has been ordered to file a written statement is not entitled to inspect or take a copy of a written statement filed by another party until he has filed his own.

*Note 2.*—This rule does not prohibit the grant to parties at any stage of uncertified copies of documents produced along with the plaint or under Or. 13, C. P. Code, in cases where they do not wish to take copies themselves under the provisions of Or. 11, r. 15.

*Note 3.*—"Suit" in this rule, and in rules 526, 527 and 528 includes execution and miscellaneous cases.

524. A stranger to the suit may, *after decree*, obtain, as, of course, copies of the plaint, written statements, affidavits, and petitions filed in the suit; and may, for sufficient reason shown to the satisfaction of the Court, obtain copies of any such document *before decree*.

525. A stranger to the suit may also obtain, as of course, copies of judgments, decrees, or orders at any time after they have been passed or made.

526. A stranger to the suit has no right to obtain copies of private documents except with the consent of the person by whom they were produced, or his successor in interest. He may obtain copies of other documents, in which he has an interest, including depositions for *bona fide* use in the Courts, and case-maps at any time after they have been proved or completed.

527. Copies of printed or lithographed maps and plans will not ordinarily be supplied by the copying department. Application should be made to the office where the original maps are deposited.

528. Whenever applications are made for copies of letters from, or resolutions passed by, the Supreme Court (High Court Division), the applicants should be referred to the Supreme Court (High Court Division). Copies of such documents may not be granted by local authorities.

529. Every application for copy shall state whether or not the person applying is a party to the case from the record of which the copy is wanted. If such person is not a party or his advocate, the application shall state the object for which the copy is required.

*Note.*—For other rules, see paragraphs 332—335 of the Bengal Records Manual.

530. Where, in the case of an application, doubts arise as to whether the document of which a copy is applied for is one of which a copy can or ought to be granted, and in all cases where the applicant is not a party to the suit or proceeding, the head comparing clerk shall lay the application before the presiding Judge of the Court concerned or the Judge-in-charge as the case may be, for his orders.

531. Only one application is necessary when a copy is applied for, for any number of documents on the same record.

*Note 1.*—See the note to rule 521 *ante*.

*Note 2.*—For the purpose of this rule records called for in connection with an original case or appeal will be treated as part of the record of such case or appeal.

532. Subject to the rules above, copies shall not ordinarily be granted of documents which are themselves copies. A copy of a copy is to be granted only when good grounds are shown for not taking it from the original, *i.e.*, for not applying to the office where the original is kept. When copies of copies are granted it shall be expressly indicated on the copy that it has been copied from a copy and not the original.

533. No copy shall ordinarily be given of any part of a document other than a public document. But a person desiring to have copy of a part of a document not being a public document, shall state full reasons thereof in his application and the court may when the document consists of several distinct or independent parts or for any other sufficient reason permit the granting of a copy of such part.

*Note.*—As to assessment of court-fee when application is made for certified copy of whole or part of the annexures to a decree with or without the decree proper, see G.L. No. 2 of 1933 (Civil).

## 2. SEARCHING-FEES AND CHARGES FOR COPIES.

534. The following charges shall be levied for inspection, information and copies :—

Nature of the fee or charge.	Cases in which to be paid.	Amount.	How to be paid.
(1) Searching fee.	<p>(a) On all applications—</p> <p>(i) For information whether the record is deposited in the District Record-Room or not.</p> <p><i>Note 1.</i>—This shall be the only fee required on such application. One searching fee only shall be charged for any number of items for information taken from the same record or register and included in the same application.</p> <p><b>Explanation :</b></p> <p>“Same register” includes any number of volumes of the same class for any one year but not different classes of registers though of the same year.</p>	Tk. P. 0. 40	By a court-fee stamp to be affixed on the application.



Nature of the fee or charge.	Cases in which to be paid	Amount.	How to be paid
(1) Searching fee— <i>Contd.</i>	<p><i>Note 2.</i>—Only one searching fee should be charged in respect of an application for information required in connection with a single cause or matter, even though the search involves reference to several records or registers. A separate application should, however, be required and a separate fee charged in respect of information required in connection with every separate cause or matter.</p>	Tk. P.	
	<p><i>Note 3.</i>—<i>See</i> Note 5 to clause (iv).</p> <p>(ii) For inspection where the record is deposited in Record -room.</p> <p><i>Note 1.</i>—No searching-fee is to be charged for inspection of records of pending cases advocates.</p>	0. 40	By a court fee stamp to be affixed on the application.
	<p><i>Note 2.</i>—For fees for inspection of Will, <i>see</i> rule 331.</p> <p>(iii) Expedition fee for urgent applications for inspection and information.</p>	1. 60	By a court fee stamp to be affixed on the application.
	<p>(iv) For copy of all documents certified or uncertified and extracts from Registers, in addition to the prescribed fee under Art. 1 (a) Sch. II of the Court-fees Act, 1870, except such copies as the law requires to be given free of cost.</p> <p><i>Note 1.</i>—(a) No searching fee shall be charged in respect of applications for copies of papers in the records of cases filed within the time specified in rule 415 for transmission of records to the District Record-Room. In the case of records of Small Cause Court cases decided by outlying munsifs, the period of exemption will be the time specified in Rule 492 for the transmission of records of such cases to the Munsif's Record-Room at that outlying station.</p> <p>(b) No searching fee shall be charged in respect of copies of papers in the record of the trial court when such record is with the appeal pending against the decision in the original case.</p>	0. 40	Ditto.

Nature of the fee or charge.	Cases in which to be paid.	Amount.	How to be paid.
(1) Searching fee— <i>Contd.</i>	<p>(c) No searching fee shall be charged in respect of an application for a copy of any document from the records of a disposed of case and marked as an exhibit in a pending case.</p> <p>(d) No searching fee shall be charged in respect of applications for copies of papers from the records of Execution Cases called for from the District Record-Room for disposal of applications for delivery of possession under Order 21, Rule 95 or 96, Civil Procedure Code.</p> <p>(e) No searching fee shall be charged in respect of applications for copies of papers in the records of cases preserved in the Court Office in accordance with rule 420 <i>ante</i>.</p> <p><i>Note 2.</i>—One searching fee only shall be charged for any number of copies taken from the same record or register and included in the same application. For the meaning of "same register" <i>See Note 1</i> to clause (a).</p> <p><i>Note 3.</i>—Only one application with a single court-fee stamp under Art. 1(a), Sch. II of the Court-fees Act, 1870, is necessary when a copy is applied for of any number of documents on the same record ; but when copies are required of documents in more than one record, there must be separate application with a separate stamp for each.</p> <p><i>Note 4.</i>—Records called for in connection with original case or appeal will be treated as part of the record of such case or appeal.</p> <p><i>Note 5.</i>—Applications for copies and information will ordinarily be rejected unless the applicants furnish details from which the documents to be copied or papers containing the information can be readily located. If applications are granted without such details being furnished the Judge-in-charge or the presiding Judge, as the case may be, may assess the searching fees at his discretion, regard being had to the time likely to be involved in the search.</p>	Tk. P.	
	(v) For sending for a record or document from the Supreme Court (High Court Division), Appellate side.	1.60 in addition to the fee prescribed under Art. 1(a) Sch. II Court fees Act.	By means of a court fee stamp to be sent unpunched to the Supreme Court (High Court Division) with the requisition.
	(vi) For sending for documents and the like involving a search in the Collectorate or other revenue Offices.	0.40	By means of a court fee stamp to be



Nature of the fee or charge.	Cases in which to be paid.	Amount.	How to be paid.
(2) Copying charges.	(b) For information in order to remedy defects that may be found in an application where the supply of such information without a separate application for it has been authorised by the Supreme Court (High Court Division) ( <i>vide</i> rule 171).	Tk. P.  0.40	remitted unpunched by the Civil court to the Collector.  By a Court-fee stamp to be fixed on the application.
	(a) Manuscript copies whether certified or uncertified.	0.40 per folio consisting as nearly as possible of 150 words English, or 150 words vernacular, four figures counting as one word.	By means of an impressed stamp of 0.40 poisa on each sheet of paper corresponding with the folio to be provided by the applicant for a copy. Each sheet shall contain a folio, that is, as nearly as possible 150 words English or 150 words vernacular.  <i>Note.</i> —As there are 25 lines in each sheet each line shall contain as nearly as possible 6 words English or 8 words vernacular.
	(b) Typed copies (in English or vernacular), whether certified or uncertified containing :—		
	(i) 150 words or less .. ..	0.40	By means of an impressed stamped paper of 40 paisa.
(ii) Exceeding 150 words but not exceeding 300 words.	0.80	By means of the same impressed stamp paper of 0.40 poisha with an adhesive stamp of 0.40 paisa affixed thereto across the perforated line on the top of the sheet of the	

Nature of the fee or charge.	Cases in which to be paid.	Amount.	How to be paid.
(2) Copying charges— <i>Contd.</i>	(iii) Exceeding 300 words.	Tk. P.	<p>impressed stamped paper, so that the figure head may be above the perforated line and that the portion below may clearly show the value.</p> <p>By means of an additional impressed stamp paper or papers of 0.40 paisha with an adhesive stamp of 0.40 paisha affixed thereto if necessary, according to the number of words to be typed.</p> <p><i>Note 1.</i>—The adhesive stamp will be supplied loose by the parties and affixed in the copying department according to necessity.</p> <p><i>Note 2.</i>—Impressed stamp sheets should never be received and cancelled in lieu of adhesive stamps.</p> <p><i>Note 3.</i>—In the case of certified copies, the court fee chargeable under the Court Fees Act, 1870 should be levied by affixing the necessary stamp to the first folio of the copy.</p>
	(c) Expedition fee for urgent application for copy.	1.60 extra (or, if the copies	By means of court-fee stamp to be affixed to



Nature of the fee or charge.	Cases in which to be paid.	Amount.	How to be paid.
(2) Copying charges— <i>Contd.</i>	(d) Expedition fee for urgent application for conversion of an uncertified copy into a certified copy.	Tk. P. exceed four folios, of 0.40 paisa for each folio).  0.80 paisa extra (or if copies exceed four folios, at the rate of 0.20 paisa for each folio).	the applica- cation.  By means of court-fee stamp to be affixed to the application.

*Explanation:*—Plain papers with court-fee stamp of proper value may, until further orders, be also used instead of impressed stamp paper or folio referred to in this and subsequent rules. When such a plain paper with court-fee stamp is filed the stamp is to be affixed perpendicularly with the effigy at the top left side of the plain paper for convenience of detachment of the effigy portion of the court-fee stamp for the purpose of the remuneration bill of the Copyists and Typists.

535. (1) In the case of documents, such as measurement papers, order-sheets, accounts, registers and others which are not written continuously like a deposition, or which are not written right across the page, every endeavour should be made to write as many as 150 English or vernacular words on each folio.

(2) If it is found impossible to do this on each folio without distorting the form of the original document, as many additional sheets of plain cartridge paper as may be necessary (to be provided by the applicant for the copy) should be pasted on below, or at the side of the first sheet.

(3) In consideration of the additional time and trouble involved in copying documents of the nature described above, an additional charge may be levied from the applicants according to the following scale:—

In all cases requiring more than three folios, one additional folio may be taken for every four folios, that is to say, one additional folio may be taken in cases requiring four to seven folios, two additional folios in cases requiring eight to eleven folios, three additional folios in cases requiring twelve to fifteen folios, and so on. No additional charge should be levied in cases which require from one to three folios.

536. No fees are to be demanded or paid for searching for or copying or typing papers required by public officers for public purposes.

*Note.* —Local bodies and managers under the Court of Wards are not to be treated as public officers for the purpose of this rule.

537. In the case of maps and plans no general rule can be laid down. In each case a reasonable charge shall be fixed by the Judge-in-charge of the copying

department with reference to the skill required, the difficulty or intricacy of the work and the time that it may occupy.

*Note 1.*—Materials include tracing cloth, drawing instruments, paints, pencils, brushes, pins, etc. The probable costs of materials are to be supplied by the parties separately.

*Note 2.*—The charges for copying maps and plans should be realised in court-fee stamp as in the case of ordinary copies of documents.

538. Uncertified copy may be converted into certified copy after comparison with the original, upon the application of any one producing it and upon his filing with such application the necessary court-fee stamps required by law; provided he is not debarred under the rules from getting a certified copy and the document is produced in its original state.

*Note 1.*—An uncertified copy obtained from the copying department at one station may be converted into a certified copy by the copying department at another station; provided the original is at the latter station when the copy is required to be certified.

*Note 2.*—Copies with notes written on them or portions marked or underlined shall not be accepted for conversion into certified copy.

*Note 3.*—If the original has been amended or added to or if any order has been endorsed on it after issue of uncertified copy, the uncertified copy cannot be converted into certified copy.

539. Authenticated copies of maps or plans even if they contain words are chargeable with a duty under Article 24 of Schedule I of the Stamp Act II of 1899 such duty being leviable in addition to and irrespective of the cost of preparation of the maps or plans. The stamp duty payable under the above article for copies of maps or plans certified to be true copies shall be denoted by means of an adhesive court-fee stamp.

540. For the cancellation of court-fee stamps on copies, reference should be made to rule 617 and paragraph III of the Circular of the Board of Revenue reproduced as rule 619.

541. If in a private case, the photographic enlargement of a finger print is entrusted to the Finger Print Bureau of the Criminal Investigation Department, a charge of Tk. 5 for each of the first three enlargements and of Tk. 2 for each additional print shall be realised from the party concerned. The amount may be increased by the Court concerned if the cost of photographic enlargement so justifies. The amount so realised shall be credited in full into the treasury by the court concerned [*vide* note 8(a) to Rule 647(A) post].

542. The following fees shall be charged when a lower court or a party to any suit or appeal or his advocate requires a document to be translated by a salaried Translator of the Supreme Court (High Court Division) :—

	Tk.	P.
Ten paise for every 3 words for document written in a language other than the vernaculars and for every 5 words for other documents (three figures being counted as one word) subject to a minimum charge of .....	3	20

If the translation be required within a specified time and the work cannot be done during office hours without detriment to the current work of the Supreme Court (High Court Division), and it has to be done out of office hours, an additional fee calculated at Ten paise for every 6 words for documents written in a language other than the vernaculars and for every 9 words for other documents shall be charged for payment to the Translator subject to a minimum charge of .....

1 60



## 3. PREPARATION AND ISSUE OF COPIES.

543. Immediately on receipt of the application, the officer who receives it shall examine it and satisfy himself that it is in order and in accordance with the rules. He shall then sign it and pass it on, on the day of receipt, to the head comparing clerk in the copying department.

544. On receipt of each application [Form No. (M) 54], the head comparing clerk shall give it a serial (consecutive) number, stamp or note legibly the date of receipt on the top right hand corner and enter it in the "Register of applications for copies" [Form No. (R) 23, Volume II], filling up accurately as many columns as can be filled up then. If it is possible at once to inform the applicant what court-fee stamps and folios will be required, and if stamps and folios have not been filed with the application, the head comparing clerk should note the requisite information on the back of the receipt portion and return it to the applicant. If the requisite stamps and folios have been filed with the application, the document or copy required to be copied shall be at once sent by the office with the application to the copying department. If the information cannot be given at once, the date on which the applicant is required to attend for the estimate should be entered in the counterfoil and also on the top of the application for future reference. The head comparing clerk shall, at the time of returning the counterfoil to the applicant, inform him that his application will not be considered complete and that the preparation of the copy will not be commenced until he has supplied in full the court-fee stamps and the necessary number of folios.

*Note.*—The entries in the different columns of Register No. (R) 23 as required by this and other rules in this Chapter must be made by the head comparing clerk contemporaneously with the various stages through which the application for copy passes before its preparation and delivery.

545. (1) After entering the application in the prescribed register, the head comparing clerk shall at once, if possible, or during the same day but not later than the following day, ascertain the amount of court-fee stamps payable for the copy applied for and the number of folios required for its preparation.

(2) For this purpose the head comparing clerk shall forward the application by one of the copyists to the officer in whose custody the record is, who will at once note legibly or stamp thereon the name of his department and Court, the date of receipt, signing his initials thereunder and enter it in a register to be kept in Form No. (R) 28, Volume II. He will refer to the document or record and with the assistance of the copyist or typist conveying the application estimate the number of folios required for each document of which a copy is required. He shall then enter the amount of court-fee stamps and the number of folios required in the space provided for the purpose on the application, sign and date it and return the completed application by the copyist or typist to the head comparing clerk. The document of record shall be kept in readiness for delivery to the copying department as soon as it is sent for preparing the copy. If the document can not be traced, the application should be so endorsed and the endorsement signed and dated.

*Note 1.*—This rule is not intended to allow copyists or typists the right of entry to record room, and they must in all circumstances be excluded therefrom. If the record from which copies are required is in the record-room, the copyist should be shown the record in the Record-Keepers office, and should not be permitted to handle it himself more than is necessary to enable him to assist in making the computation provided for in this rule.

*Note 2.*—When an office peon is provided for the Copying Department, applications for copies may be sent through the office peon to the officer in whose custody the record is. That officer shall have the record in readiness. A copyist shall be sent subsequently to collect the applications who shall assist the officer in making the estimate of stamps and folios.



546. The number of folios required should be carefully calculated so as to obviate the necessity for obtaining additional folios from the applicant, a contingency which under a proper system ought never to arise.

547. Each clerk through whose hands an application for copies passes, shall put his initials and the date and hour of receipt and passing-on by him on the back of the application, in the space provided for the purpose and shall mention in the endorsement the name of the officer to whom he delivers such application. These entries should be made one below the other and must be legibly written. Each clerk receiving an application shall at once comply with the requisitions or pass it on to another who can do so.

*Note 1.*—Applications for copies must not be returned or rejected on frivolous grounds and if the particulars given are sufficient to identify a record every effort must be made to trace it even though the description as given in the application may in some respect be inaccurate.

*Note 2.*—There should be no unnecessary delay in complying with the requisitions of the copying department.

548. Applications for copies should ordinarily be returned on the same day, and never later than the following day to the head comparing clerk with the report required by the rules above.

549. On receipt of the necessary report under rule 545, the head comparing clerk shall at once fill up the appropriate columns of the Register in Form No. (R) 23, Volume II, and estimate the number of impressed stamped sheets and court-fees required and note them in the middle portion of the application, and unless these have already been filed, shall notify the estimate to the applicant when he attends for it. The fact that the estimate has been notified and the date shall be entered in the appropriate place provided for the purpose in the application and the applicant shall be required to sign this entry. If he does not attend for estimate, within 3 days from the date noted in the counterfoil, his application shall be rejected and a note to that effect shall be made in Register No. (R) 23.

550. If the requisite stamps and folios are not filed within three days of the notification in the prescribed manner, the application shall be rejected and a note to that effect shall be made in Register No. (R) 23. The person going round the offices to make estimates shall take with him the rejected applications and show them to the record-keeper or other officers concerned who shall sign the applications on the reverse and after restoring the documents or records to the proper places make the appropriate entries in columns 8, 9 and 10 of (R) 23.

*Note 1.*—It is open to the applicant to furnish the necessary stamp papers as soon as their probable number is known. The three days are allowed to give him reasonable time but all delay must count against him.

*Note 2.*—Whenever an application is rejected after being presented, brief reasons for doing so and the date should be noted in the appropriate column of the Register or application for copies.

551. If an application has been rejected and the copy is still required, a fresh application must be filed and dealt with in the manner prescribed by these rules, as though the original application had not been made.

552. When the stamps and folios are filed, a note to that effect and the date shall be entered in the place provided in the application for the purpose and the applicant shall be required to sign this entry. The applicant shall, at the same time, present the counterfoil of his application, which had been returned to him,



and a memorandum shall be made thereon stating the date and hour when the copy will be ready. A corresponding note shall be made in the appropriate column of the application form. The applicant shall retain the counter-foil, and it shall be his duty to attend on the date fixed for the purpose of receiving the copy.

553. (1) After making the proper entries in columns 9, 12, 13 and 14 of Register No. (R) 23, the head comparing clerk shall take the application or forward it by a copyist to the proper officer having custody of the record with an endorsement requiring him to make over the necessary document or record. Such officer shall immediately hand over the original record or document with the application noting thereon the fact of compliance and date and the head (comparing clerk of the copyist receiving it shall sign and date, column 7 in Register No. (R) 28. The head comparing clerk will then at once make the necessary entry in column 11 or Register No. (R) 23.

(2) The person going round the officers to bring the original record or document under this rule shall take with him original documents or records of which copies are ready and return them to the proper officers who will make the necessary entries in columns 8 and 9 of (R) 28.

*Note 1.*—Only those papers of the record of which copies are actually required are to be sent to the copying department and in every case a removal slip shall be inserted in their place as laid down in Rule 457.

*Note 2.*—The person having custody of the record or document shall send it to copying department immediately on receipt of the requisition and there shall be no unnecessary delay. Cases of delay or negligence shall be brought to the notice of the Judge-in-charge by the head comparing clerk.

554. Immediately on receipt of the original papers, the head comparing clerk shall make them over to one of the copyists for the preparation of the copy and enter his name in the appropriate column of (R) 23.

*Note.*—The copyists must not start making copies before the requisite folios and stamps are realised in full.

555. Every copy of a deposition, judgment, decree, order, report or other documents shall show in the margin, at the proper places the page numbers of the original within brackets.

*Note.*—Every page of a copy of a deposition, judgment, decree, order, report or other document shall also bear at the top in an appropriate place a serial number of the page.

556. Every copy of a judgment or order shall commence with a heading containing the name of the court and the name and official designation of the presiding Judge.

557. The head comparing clerk shall so distribute the work amongst the copyists that no copyist more than one day's work in his possession at one time.

558. Every application for copies of depositions in a case which is being heard shall be laid before the trial Judge for such orders as he in his discretion may make. If such Judges so directs, so much of the deposition shall each day be given to the head comparing clerk as there is a reasonable hope of being copied in the course of the day. The head comparing clerk shall return the position to the Judge at the close of the day.

559. If and when it is ascertained that extra court fees or extra folios are required for copies, the applicant should be informed of the amount of such court-fees or folios when he attends on the date on which the copy was originally notified.



to be ready, if it is not possible to inform him earlier. When the extra court-fees or extra folios are filed, the procedure laid down in rule 552 in so far as it is applicable shall be followed. If the extra court-fees or extra folios are not filed within three days from the date on which the copy was originally notified to be ready, the application shall be rejected. When an application is so rejected, the fact should be noted in Register No. (R) 23 and the original documents and records brought for the purpose of preparation of copies shall be returned to the proper officers who will make the necessary entries in the appropriate columns of (R) 28.

*Note.*—Every date on which extra folios are called for shall be shown after the copy is prepared in the proper space at the back of the folio.

560. When the applicant complies with rule 559, a note should be made on the application in the proper place showing the date and number of extra folios and the date and number and the value of the extra court-fee filed. This note shall be signed both by the applicant and by the comparing clerk who receives them, and columns 12, 13 and 14 of Register No. (R) 23 should at once be filled up.

561. A similar procedure should be followed with regard to the number and amount of court-fee stamps for certified copies, column 25 of Register No. (R) 23 being filled up.

562. Every copyist or typist shall note the number of words written or typed by him on the back of each sheet, so that the head comparing clerk or the certifying officer who shall frequently check these entries and initial when checked, may be enabled to verify that more folios than are really necessary have not been used and that the stamp affixed in the case of certified copies is correct.

563. Every copy must bear the signature of the copyist making it and the date on which the copy was completed. It must also bear the signature of the clerk who examined the copy and the date on which such copy was examined.

*Note.*—Each page must be signed at foot by the copyist or typist.

564. In ordinary circumstances a copy shall be furnished not later than 1 p.m. and on Saturdays not later than 11-30 a.m. of the fifth open day after the necessary court-fee stamps and folios have been put in.

565. When an "Urgent" copy is required, the extra fees prescribed in rule 534 (2) (C) shall be levied and column 24 of Register No. (R) 23 filled up.

*Note.*—Applications for "Urgent" copies should be entered in red ink.

566. Urgent copies should be furnished on the day of the application, if possible, but not later than the following day. Care, however, is to be taken that other applicants for copies do not suffer materially by this arrangement. If the granting of other copies is likely to be much delayed, an extra copyist, when available, may be temporarily appointed by the Judge-in-Charge for the number of days actually necessary.

*Note 1.*—No application is complete until the necessary stamps and folios have been filed. When these are not filed with the application, the periods referred to in this rule and in rule 564 will be reckoned from the date of their being filed.

*Note 2.*—If sufficient stamps and folios to cover the full charge of an urgent copy are not filed with the application, the estimate of the deficit in respect thereof shall at once be personally communicated to the applicant and the fact will be noted on the application and signed with date by the applicant. Where the applicant cannot be found, the procedure laid down in rule 559 will be followed.



567. All copies, whether certified or uncertified, must be carefully examined before issue, by a salaried officer.

*Note.*—The duty of examining copies should, as a rule, be entrusted to the comparing or examining clerks, or if there are none in the office, to the head clerk or seniormost clerk, or sheristadar. The copyist and typist must not be allowed to examine for each other.

568. It is of great importance that copies of documents issued by court should be absolutely free from error. The Judge-in-charge of the copying department should therefore from time to time examine the copies prepared.

569. The practice of making erasures by removing (*i. e.*, scratching out or otherwise effacing) words written or typed by mistake is strictly prohibited in regard to all copies. Instead of erasing the incorrect word, the word is simply to be struck through with one line by the pen and the correct word written above the word so struck through.

570. In the event of any copy being found to be unfit for issue by reason that it :—

- (i) has not been clearly, legibly or neatly written or typed and with proper ink ;
- (ii) is not in the prescribed form ;
- (iii) is so incorrect that revision has rendered it unfit for issue ;
- (iv) does not conform to the rules and orders of the Supreme Court (High Court Division), or
- (v) is otherwise incomplete, defective or open to objection ; the examining or certifying officer shall report the matter to the Judge-in-charge of the copying department who will cancel the copy and require the copyist or typist to make a fresh copy at his own cost.

*Note 1.*—All copies, whether granted free of cost or on payment, should be written legibly with good ink.

*Note 2.*—Advocates or parties to whom copies are delivered should bring to the notice of the Judge-in-charge when copies are found to be inaccurate or not easily legible or printed from a worn-out ribbon.

571. All certified copies furnished by the court shall be certified to be true copies and shall be sealed with the seal of the court. The certifying officer shall see that all alterations and interlineations in the copy have been initialled by the comparing clerk and that the number of alterations and interlineations has been stated in the copy. Each sheet should also be initialled by him. The certifying officer shall sign in full and append to his signature the words "Authorised under section 76, Act I of 1872".

*Note 1.*—Name in full must be written in own handwriting and *facsimile* stamp must not be used.

*Note 2.*—The words "Certified to be a true copy. Authorised under section 76, Act I of 1872" may be impressed by means of a stamp.

*Note 3.*—Certified copies cannot be signed "for" the head of a court or office. The officer authorised must certify the copy as true in his own name and with a statement of his official title as required by section 76, Evidence Act, and the Explanation thereto.

(2) All certified copies must be signed, if not by the Judge-in-charge, then by the officer hereinafter mentioned :—

At the headquarters of a district.—By such officer as may be appointed by the Judge-in-charge with the approval of the District Judge.

At out stations.—By the sheristadar of the Judge-in-charge.

In Courts of Small Causes constituted under Act IX of 1887.—By the chief ministerial officer.

*Note 1.*—The above certificate shall not be given on a blank sheet. If the last folio has been fully exhausted by the copy, the certificate may be given on its reverse.

*Note 2.*—Uncertified copies should only be marked as “examined” and initialled by the Examiner. For the conversion of uncertified into certified copies, see rule 538.

572. The officer certifying the copy shall in each case satisfy himself that the folios purporting to have been used in the preparation of the copy correspond with the number actually necessary under the rules and verify the correctness of the stamp affixed. He should also check the entries in the Register of Applications in Form (R) 23 regarding the number of folios filed and used and see that the unused folios (if any) are attached to the copy and that correct details regarding the number of unused folios is entered on the back of the application Form (M) 54.

573. When a copy is granted, the following particulars must invariably be recorded on the copy itself, and in the form given below :—

- Date of application for the copy .....
- Date fixed for notifying the requisite number of folios and stamps.....
- .....
- Date of delivery of the requisite folios and stamps.....
- .....
- Date on which the copy was ready for delivery.....
- .....
- Date of making over the copy to the applicant.....
- .....
- Cost of copy .....

*Note 1.*—Each date on which extra folios are to be notified and each date on which they are delivered shall also be recorded.

*Note 2.*—The date on which a copy is ready for delivery is not necessarily the date on which it is certified. If it is certified at such a late hour that it cannot be made over to the applicant on that same day, the following day is to be considered as the date on which it is ready for delivery.

574. In the case of a copy of a judgment, decree or order, the dates excepting the date of making over the copy to the applicant, shall also be expressed in words.

575. When an uncertified copy is, under rule 538, converted into a certified copy, the costs of such copy and certification shall be recorded in the particulars required by rule 573 above.



576. Care will be taken to have the copy ready in each case by the time fixed. The head comparing clerk will be held personally responsible that all originals are returned and a receipt for them obtained on the back of the application in form No. (M) 54 from the record room or court concerned on the day the copy is ready for delivery.

577. In districts where it is not possible for the head comparing clerk personally to perform all the duties under this Chapter, which have been allotted to him, they may be performed by another clerk who will work under the immediate supervision of the head comparing clerk, but the latter will be responsible for the proper performance of the duties in question.

578. As the copies required under each application are completed, they shall be made over together with all unused folios to the head comparing clerk, who shall attach the copies and all unused folios to the original application and note on the application the stamps and folios used.

579. The head comparing clerk will be responsible for all records and documents until they are returned.

580. The copies and any unused folios shall be delivered to the applicants between the hours of 3 and 5 O' clock in the afternoon and 12-30 p.m. and 2 p. m. in the case of Saturdays.

*Note.*—Distribution of copies and return of unused folios and stamps should as far as possible, take place in the presence of the Judge-in-charge, who may for the purpose fix any hour of the day convenient to him.

581. On the original applicant's appearing with and handing over the counter-foil, the head comparing clerk will make over to him the copy and unused folios after taking the applicant's signature and date on the reverse of the application ; at the same time column 28 of that register must be filled in.

582. (1) Should the applicant, in any case, fail to appear to claim either the copy or the unused folios (if any) before the last day of the month succeeding that on which the copy was ready for delivery, or should he fail to put in the extra court-fee or extra folios, where necessary, within the period prescribed in rule 559 such copy and unused folios shall be destroyed in the presence of the Judge-in-charge. The fact of destruction and the number of unused folios thus destroyed shall be noted in the remarks column of Register No. (R) 23.

(2) In any case in which copy is refused or cannot be granted, the folios and stamps supplied by the applicant should be returned to him when he is so informed. This should be done also where the application is withdrawn and the folios and stamps have not been used. Such stamps would not include searching fee and expedition fee affixed to the application.

583. Applications for copies which have been complied with shall be recorded in the copying department and filed in the order of their admission in a separate series for each month. At the close of each quarter they will be examined by the sheristadar, who will bring to notice any irregularity or unpunctuality that may be apparent in the department. The Judge-in-charge after satisfying himself as to the working of the office by an inspection of the forms recorded, will then direct their destruction.



## CHAPTER 25.

### COPYING DEPARTMENT AND COPYISTS AND TYPISTS.

584. At stations where there are more courts than one, there shall be but one amalgamated copying department. Of this department such judicial officer as the District Judge may nominate will be in charge, and the clerk appointed to be the chief examiner (otherwise known as head comparing clerk) will be the chief ministerial officer.

585. The copying department shall have as many copyists or typists as may be required for the purpose of supplying all applicants with copies without inconvenient delay.

586. (1) Copies of English documents shall invariably be type-written and in making new appointments, no one except a typist shall be appointed.

(2) No person shall be employed for copying vernacular documents who is unable to copy both English and vernacular efficiently, legibly and with reasonable despatch and preference shall invariably be given to typists.

587. The Registers of application for copies and information shall be placed everyday before the Judge-in-charge, who should sign the last entry after scrutiny.

588. The head comparing clerk shall be responsible that the work of copying is distributed as equally and fairly as possible subject to such direction as may be given by the Judge-in-charge. Work shall be so distributed that no copyist has more than one day's work in his possession at one time. To ensure copies being fully and legibly written or typed, no copyist or typist should be given more work than he is capable of performing efficiently.

589. All undistributed work should be kept under lock and key in the possession of the head comparing clerk, and arranged in the serial order of the applications relating thereto.

590. At the close of each day all original papers and all copies made during the day if not delivered to the parties, as well as all stamp papers not yet used for copies, shall be taken back from the copyists and typists and secured for the night under lock and key in the almirah allotted to the head comparing clerk. Care should be taken to see that nothing remains with the copyists and typists.

*Note 1.*—The Judge in charge should satisfy himself from time to time that this rule is being strictly followed every day.

*Note 2.*—Separate space in the compartments of the almirah should be allotted to each copyist and the papers taken back from the copyists should be kept in the spaces assigned to them.

591. Surreptitious supply of information or copies by copyists and typists is strictly forbidden and any copyist or typist furnishing such information or copies is liable to be dismissed. If it is proved to the satisfaction of the Judge in-charge that such practices are going on, whether responsibility can be fixed on any particular person or not, the head comparing clerk should be warned that failure to check such abuses will be taken as an indication of inefficiency on his part and he will be severely dealt with.

*Note.*—The head comparing clerk should from time to time go round the place where the copyists sit and see that outsiders are not permitted to enter the room.

592. No carbon papers shall be allowed to be used in the copying department without the permission of the Judge-in-charge and such papers found in the



possession of typists and copyists will be forfeited. If use of carbon paper be necessary, the head comparing clerk will issue the carbon to the typist and withdraw it after copies are made.

593. If any material error or omission is detected in a copy by the person to whom it has been supplied or by any court before which it is filed for use, it should be promptly brought to the notice of the Judge-in-charge of the copying department.

*Note 1.*—Errors in copies brought to the notice of the Judge-in-charge should be corrected after comparison with the original and initialled.

*Note 2.*—The Judge-in-charge should take such disciplinary action as he thinks proper against the head comparing clerk or the copyist responsible for the copy. The responsibility for incorrect copies is also shared by the officer who certifies the copy to be correct.

594. When any application is made for the copy of a document in a language or character with which no copyist on the court's establishment is acquainted, the Judge-in-charge shall arrange, if possible, for a copy to be made thereof and compared with the original by such persons acquainted with the aforesaid language or character as are forthcoming and may in his opinion be relied upon for the purpose.

595. To prevent the risk of stamp slips being used more than once, the officer passing a copyist's or typist's account will, after checking it as directed, have the slips torn to pieces and cause them to be burnt in his presence. A certificate that this has been done must be attached to the bill on which the copyist's or typist's fees are drawn.

596. To protect the interests of Government, care must be taken to see that all copies issued from the court are prepared on the prescribed stamp paper; they must be written or typed on one side of the sheet only, and must not contain more than the authorised number of words. On the other hand, care must be taken to see that applicants are not imposed upon by the copyists or typists spreading their writing or typing over a larger number of sheets than is necessary. By insisting on the number of the lines in each sheet or space being uniform, control may easily be exercised in this matter, the number of words in a few of the lines in each folio being frequently checked by the head comparing clerk or the officer certifying the copy. The Judge-in-charge should also from time to time check at random and see that each sheet does not contain more or less than the authorised number of words.

*Note* —It is the duty of each copyist to copy as nearly as possible 150 English words or 150 vernacular words (i.e., one folio), and of each typist to type 300 English or vernacular words (i.e., two folios of 150 words each) on each stamped sheet. Copyists and typists violating this rule will be liable to fine or dismissal according as their fault is occasional or systematic.

\*Rules 601—603 mostly relate to the system (when permitted) of payment of typists and copyists on remuneration basis.

CHAPTER 26.

RULES UNDER THE COURT-FEES ACT RELATING TO FEES  
CHARGEABLE FOR SERVING AND EXECUTING PROCESSES,  
REMISSIONS, CANCELLATION OF STAMPS, ETC., ETC.

I. Process Fees.

597. The fees in the following schedule framed by the Supreme Court of Bangladesh (High Court Division) under section 20 of the Court-fees Act, 1870, shall be charged for serving and executing processes issued by the supreme Court of Bangladesh (High court Division) in its Appellate jurisdiction and all civil and revenue courts in Bangladesh within the Supreme Court of Bangladesh (High Court Divisions) Appellate Jurisdiction:—

(1) Fees chargeable in the Supreme Court of Bangladesh (High Court Division), Appellate Jurisdiction.

Article 1—

	Tk. Paisa
In every case in which personal or substituted service of any process on parties to the cause is required, where not more than four persons are to be served with the same document, one fee .. .. .	3 00

When such persons are more than four in number then the fee above mentioned, and an additional fee of 50 paisa for every such person in excess of four .. .. .	0 50
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Provided that, in the last mentioned case, where such persons reside in the same or immediately adjacent villages, the additional fee may be such sum, not exceeding the amount of fee prescribed, as the Supreme Court of Bangladesh (High Court Division) may, in the particular case, determine. ..

Provided also that, in analogous cases, where the appellant is the same but the respondents are different but reside in the same or immediately adjacent villages, the same rule shall apply. .. .. .

Article 2—

In every case in which personal or substituted service of any process on any persons who are not parties is required, when the number of such persons is not more than four, one fee . . . . .	3 00
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When there are more than four such persons, then the fee above mentioned for the first four, and an additional fee of 50 paisa for every one in excess of that number .. .. .	0 50
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Article 3—

For the execution of a warrant for arrest of the person.. .. .	3 00
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Article 4—

For service or execution of any process issued by the Court, not specified in any preceding article .. .. .	3 00
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## (2) Fees chargeable in Civil and Revenue Courts.

Nature of Process	Amount leviable in—			
	(1) In courts of District Judges. (2) In courts of Subordinate Judges. (3) In Courts of Munsifs and Revenue Courts, where the suit in which process is issued is valued at Taka 1,000 and over.	In Courts of Munsifs and of Small Causes and in Revenue Courts where the suit in which process is issued is valued at Taka 50 and over but less than Taka 1,000.		In Courts of Munsifs and of Small Causes and in Revenue Courts where the suit is less than Taka 50 in value.
1	2	3	4	
Article 1.	Taka	Paisa	Taka	Paisa
In every case in which personal or substituted service of any process on parties to the cause is required, where not more than four persons are to be served with the same document, one fee.	2	00	1	00
When such persons are more than four in number, then the fee above mentioned and an additional fee as mentioned in the table for every such person in excess of four.	0	50	0	25
Note 1—A single process-fee is payable where not more than four persons have to be served whether all of them live in the same village or not.				
Note 2—A single process-fee is payable where a major defendant has to be served with a process in his personal capacity and also with a process as guardian of a minor defendant.				
Article 2.				
In every case falling within columns 2 and 3 in which personal or substituted service of any process on any persons who are not parties is required, when the number of such persons is not more than four, one fee.	2	00	1	00
When there are more than four such persons, then the fees above mentioned for the first four, and an additional fee as mentioned in the table for every one in excess of that number.	0	50	0	25

1	2	3	4
<p>In every case falling within column 4 in which personal or substituted service of any process on any persons who are not parties is required, for each person to be served.</p> <p>Note—No process-fee is chargeable for summonses on witnesses made over for service to the party applying therefor, under Or. 16, r. 7A (i) C. P. Code (G. L. No. 7 of 1929).</p>	...	...	Tk. Paisa 0 25
<p><b>Article 3.</b></p> <p>When process of attachment of property by actual seizure is issued—</p> <p>(a) For the seizure under the order of attachment.</p> <p>(b) For each man necessary to ensure safe custody of property so attached, when such man is actually in possession, per diem. (See, note 1)</p>	Tk. Paisa	Tk. Paisa	Tk. Paisa
<p><b>Article 4.</b></p> <p>For the proclamation and publication of any order or prohibition under order 21, r. 54, C. P. Code, irrespective of the number of such proclamations or publications</p>	2 00	1 00	1 00
<p><b>Article 5.</b></p> <p>For the publication by posting up of a copy or copies of the notification of any proceeding or process, not specially mentioned in any article of this table, irrespective of the number of such publications.</p>	2 00	1 00	1 00
<p><b>Article 6.</b></p> <p>For executing a decree by the arrest of the person or for executing a warrant of arrest before judgment.</p>	10 00	4 00	1 00
<p><b>Article 7.</b></p> <p>When an order for the sale of property is issued :—</p> <p>(a) for proclaiming the order of sale under Order 21, r. 66, C. P. Code, a fee of:</p> <p>(b) for selling the property, a percentage or poundage on the gross amount realised by the sale, up to Taka 1,000 at the rate of :</p>	2 00	1 00	1 00
	2 00 Per cent.	2 00 Per cent.	2 00 Per cent.



1	2	3	4
together with a further fee on all excess of gross proceeds beyond Taka 1,000 at the rate of :	Taka Paisa 1 00 Per cent.	Tk. Paisa 1 00 Per cent.	Tk. Paisa 1 00 Per cent.
<b>Article 8.</b>			
For service of any notice, proclamation, injunction or order and every process not specified in any preceding article, where not more than four persons are to be served with the same document, one fee.	2 00	1 00	1 00
When such persons are more than four in number, then the fee above mentioned and an additional fee as mentioned in the table for every such person in excess of four.	0 50	0 25	0 25

**Note 1.**—(i) When process of attachment mentioned in Article 3 is issued in a number of cases relating to the same or neighbouring villages, the fee (a) must be paid in each case, the daily fee (b) only for the men actually employed.

(ii) The daily fee (b) is to be paid at the time of obtaining the process for so many days as the court shall order, and the number of days required for the coming and going of the officer; but where the officer is not to be left in possession, then the daily fee is to be paid only for the time to be occupied by the officer going, effecting the attachment and returning :

Provided that, if it appears that for any reason the number of days fixed by the court under this note, and in respect of which fees have been paid, is likely to be exceeded, and the decree-holder desires to maintain the attachment, the decree-holder shall apply to the court to fix such further number of days as may be necessary and the additional fees in respect thereof shall be paid in advance according to the rate specified in Article 3(b) above. If such additional fees be not paid within the period in respect of which fees have already been paid before, the attachment shall cease on the expiry of the period.

(iii) When an application is made for the refund of custody fee, a report is to be called for from the Nazir showing the number of days spent for the coming and going of the officer, or when the officer was not left in possession, the time occupied by the officer going, effecting the attachment and returning. The balance of the custody fee, if any, after deducting the amount incurred as above, will be available for refund.

**Note 2.**—(i) The fee under clause (a) of Article 7 must be paid when the process is obtained.

(ii) The percentage or poundage fee under clause (b) of Article 7 must be paid in court-fee stamps by the auction-purchaser (decree-holder or other person) as soon as his bid is accepted by the court and the sale is completed : Provided that the poundage fee may be deducted from the earnest money or the purchase money, as the case may be, by the auction purchaser, not being the execution creditor, before depositing the latter in Court.

(iii) The percentage leviable under clause (b) of Article 7 shall be calculated according to the following scale :—

Six Paisa per taka ignoring fractions up to Tk. 8·00.  
For sums over Tk. 8·00 and up to Tk. 37·50 paisa—50 paisa  
For sums over Tk. 37·50 paisa and up to Tk. 62·50 paisa—Tk. 1·00.  
For sums over Tk. 62·50 paisa and up to Tk. 87·50 paisa—Tk. 1·50.

and so on for the proceeds realised by the sale up to Tk. 987·50. For sums over Tk. 987·50 and up to Tk. 1,000 the fee shall be Tk. 20·00. If the proceeds of the sale exceed Tk. 1,000 a fee of Tk. 20 plus 25 paisa for every Tk. 25 or part thereof of the amount in excess of Tk. 1,000 shall be levied,

(iv). In cases in which several properties at a sale in satisfaction of a decree are purchased by one person or jointly by a set of persons, only one poundage fee calculated according to the scale prescribed in clause (iii) above, should be levied. But if the properties are purchased severally or in lots by different purchasers, the poundage fee shall be levied, according to the prescribed scale, on the total value of the properties bought by each purchaser. (Illustration: If 11 properties are sold, 5 to A, 5 to B and 1 to C, the poundage fee should be calculated for A's group on the total value of the 5 properties bought by him and similarly for B. The poundage fee on C's purchase would be calculated on the value of the single property purchased by him).

Note 3—For processes applied for and ordered to be executed as emergent, the fee will be the ordinary fee and half as much again.

598. Notwithstanding rule 597 fees for processes in execution of any decree or order for recovery of money shall be charged, irrespective of the grade of the court issuing such processes and of the class or value of the original suit or case, according to the actual amount including costs and interest awarded, if any, recoverable in execution of the decree or order at the time when the execution is applied for: that is to say, if such amount is or exceeds Taka 1,000 fees shall be charged under column 2 of table (2); if it be Taka 50 and over but less than Taka 1,000 they shall be charged under column 3 of table (2) and if it be less than Taka 50 they shall be charged under column 4 of table (2).

Note—In computing the amount recoverable at the time when the execution is applied for, the costs and interest allowed in a previous execution case, if any, shall also be taken into consideration.

599. Notwithstanding Rule 597, no fee shall be chargeable for serving or executing—

- (1) any process, such as a notice, rule, summons, or warrant of arrest, which may be issued by any court of its own motion, solely for the purpose of taking cognizance of and punishing any act done or words spoken in contempt of its authority or of taking action under secs. 195 and 476 of the Criminal Procedure Code (1898);
- (2) any process issued a second time in consequence of an adjournment made otherwise than at the instance of a party or an intervenor;
- (3) any copy of summons, notice, order, proclamation or other process, posted in a court house or in the office of the Collector;
- (4) any order intimating postponement of sale, withdrawal or attachment or directing restoration of attached property to the person in whose custody it was or its replacement where it was found at the time of seizure;
- (5) any order directing an officer in charge of a jail to detain or to release a person committed to his custody;

600. (1) No fees shall be charged for fresh service or execution of processes in cases where the parties concerned are not in any way to blame for their being not served or executed.

(2) If in any such case the presiding officer of a court is satisfied upon such enquiry as he considers necessary that there was failure or want of service on account of neglect of duty or any improper conduct on the part of a process-serving peon, a fresh process should be issued, if required by the party, and the presiding officer should direct the peon in fault to bear the costs incurred in the fresh service.

601. Attention is drawn to section 21 of the Court-fees Act, 1870, which requires that a table showing the fees chargeable for service and execution of processes shall be hung up in a conspicuous part of each court,



602. (1) In the localities only where and for the periods during which travelling except by boat is in the opinion of the District Judge impracticable the fees chargeable for the service of processes shall be increased by such percentage not exceeding 50 per cent as may be necessary to cover the additional cost of boat-hire or ferry-toll for journey in watery areas. The percentage of surcharge over the fees ordinarily leviable should be reduced when the realisation of the higher amount is found to exceed the additional cost incurred.

**Note 1.**—If it is found that the total annual realisation of boat-hire exceeds the amount necessary to meet the costs of boat-hire in the course of the year, the discretion given him by this rule should be exercised by the District Judge by reducing the percentage of surcharge in such a way as to make the total annual realisation on account of boat-hire equal as nearly as possible to actual expenditure for that purpose. The percentage may be fixed at different rates for different areas according to local conditions and cost of boat-hire.

Boat-hire fees shall be entered in the appropriate column of Form No. (R) 13 for the purpose of ascertaining whether the total annual realisation of boat-hire in court-fees covers the annual expenditure on account of boat-hire. (Rule No. 7 of 1921.)

**Note 2.**—The process-servers' boat-hire passed under this rule should alone be included under the head of "Process-serving charges" under "Special contingencies" (*vide* Resolution of the Financial Department of the Government of Bengal, dated the 4th August, 1890).

**Note 3.**—Boat-hire prescribed by this rule for the service of processes shall be charged on processes filed 10 days in advance of the date fixed for the commencement of the boat season but served during the period and shall similarly cease to be levied 10 days earlier than the actual date of termination of the season.

(2) The Judge-in-charge of the Nazarat at every station shall in consultation with the presiding Judges of other courts, prepare a list of areas, localities or villages within the jurisdiction of the Nazarat where and for the periods of the year during which travelling except by boat is impracticable. Areas, localities or villages to which journey may be made without the necessity of boat shall be excluded from the list. A copy of the list when approved by the District Judge shall be sent by the Judge in charge to each court at the station and the Secretary of the local Bar Association in sufficient time before the advent of the period from which the surcharge is to be levied. The list should be altered or modified from time to time when the state of the country renders it necessary and all changes should be notified in the above manner.

(3) The fees leviable from the parties on account of boat-hire should be realised in court-fee stamps affixed on separate sheet of paper containing the number, etc., of the case in which the fees are filed and the name, description and residence of the persons on whom the processes are to be served.

603. (1) In the localities which are not for the time being subject to rule 602, when, in order to serve any process the peon has to cross a ferry, then the amount, if any, legally exigible as toll shall be paid by the court executing such process from its permanent advance.

(2) The permanent advance mentioned in this rule is the special permanent advance sanctioned by the Government for the purpose of the rules.

604. In cases in which the process is to be served in the jurisdiction of another Court, the proper fee chargeable under rule 597 read with rule 602 shall be levied, in the manner above directed, and a note shall be made on the process stating that this has been done. A court which receives from another court a process bearing a certificate that the proper fee has been levied, shall cause it to be served without further charge.

**Note 1.**—The fees paid in pursuance of these rules must in all proceedings be deemed and treated as part of the necessary and proper costs of the party who pays them.



Note 2—As regards the service of process and execution of decree in the Chittagong Hill Tracts, see rules 67 and 233.

## 2. Reduction and Remissions of Court-fees.

605. Under sub-section (1) of section 35 of the Court-fees Act, 1870, (VII of 1870) and in supersession of all previous notifications under that section it is hereby notified that in exercise of the power to reduce or remit in the whole of Bangladesh or in any part thereof all or any of the fees mentioned in Schedules I and II to the said Act, the Government is pleased to make the reductions and remissions hereinafter set forth, namely :—

- (1) to direct that, when a plaint disclosing a reasonable case on the merits is presented to any civil or revenue court in such a form that the presiding Judge or officer, without summoning the defendant, rejects it not for any substantial defect but on account of an entirely technical error in form only, and so as to leave the plaintiff free to prosecute precisely the same case in another form against the same defendant or defendants, the value of the stamp on the plaint shall be refunded on presentation of an application to the Collector of the district in which the Court is situated, together with a certificate from the Judge or officer who rejected the plaint that it was rejected under the circumstances above described, and that the value of the stamp should, in his opinion, be refunded ;
- (2) to remit the fees chargeable on —
  - (a) copies of village settlement-records furnished to landholders and cultivators during the currency or at the termination of settlement operations,
  - (b) lists of fields extracted from village settlement-records for the purpose of being filed with petitions of plaint in settlement courts :provided that nothing in this clause shall apply to copies of judicial proceedings, or to copies of village settlement-records (other than lists of fields) extracted as aforesaid, which may be filed in any court or office ;
- (3) to direct that the fee chargeable on appeals from orders under section 47 and section 144 of the Code of Civil Procedure, 1908, (Act V of 1908), shall be limited to the amounts chargeable under Article II of Schedule II ;
- (4) to remit the fees chargeable on security-bonds for the keeping of the peace by, or good behaviour of, persons other than the executants ;
- (5) to remit the fees chargeable under Articles 6, 7 and 9 to Schedule I on copies furnished by civil or criminal courts or revenue courts or offices for the private use of persons applying for them ;

Provided that nothing in this clause shall apply to copies when filed, exhibited or recorded in any court of Justice or received by any public officer ;

- (6) to remit the fees chargeable, under paragraph 4 of clause (a) and paragraph 2 of clause (b) of Article I of Schedule II, on applications for



orders for the payment of deposits in cases in which the original deposit does not exceed Tk. 25 in amount :

Provided that the application is made within three months of the date on which the deposit first became payable to the party making the application ;

- (7) to remit the fees chargeable on applications for loans under the Land Improvement Loans Act, 1883 (XIX of 1883) or the Agriculturists' Loans Act, 1884 (XII of 1884) ;
- (8) to remit the fees chargeable on the following documents, namely :—
  - (a) copy of a charge framed under section 219 of the Code of Criminal procedure, 1898 (Act V of 1998), or of a translation thereof, when the copy is given to an accused person,
  - (b) copy or translation of the judgement in a summons case, when the accused person to whom the copy or translation is given under section 371 of the said Code is in jail,
  - (c) copy of an order of maintenance, when the copy is given under section 490 of the said Code to the person in whose favour the order is made, or to his guardian, if any, or to the person to whom the allowance is to be paid,
  - (d) copy furnished to any person affected by a Judgement or order passed by a criminal court, or the Judge's any order, deposition or other part of the record, when the copy is not a copy which may be granted under any of the preceding sub-clauses without the payment of a fee, but is a copy which on its being applied for under section 548 of the said Code, the Judge or Magistrate, for some special reason to be recorded by him on the copy, thinks fit to furnish without such payment,
  - (e) copies of all documents furnished under the orders of any Court or Magistrate to any Government Advocate or other person specially empowered in that behalf for the purpose of conducting any trial or investigation on the part of the Government before any criminal court,
  - (f) copies of all documents which any such advocate, or other person is required to take in connection with any such trial or investigation for the use of any Court or Magistrate, or may consider necessary for the purpose of advising the Government in connection with any criminal proceedings,
  - (g) copies of judgments or depositions required by officers of the Police Department in the course of their duties ;
- (9) to remit the fees chargeable on an application presented by any person for the return of a document filed by him in any court or public office ;
- (10) to direct that if the amount of the fee chargeable in any case involves fraction of six paise the fraction shall be remitted, except where otherwise expressly provided by this notification ;

- (11) to direct that no court-fee shall be charged on an application for the repayment of a fine or of any portion of a fine the refund of which has been ordered by competent authority ;
- (12) to remit the fees chargeable on applications for copies of documents detailed in clauses (2) and (8) supra ;
- (13) to remit the duty chargeable in respect of Probates, Letters of Administration or Succession Certificates on the share or other interest of a deceased member of a company formed under the Companies Act, 1913 (VII of 1913) ;
- (14) to remit the fees chargeable on applications presented to officers of land revenue for the suspension or remission of revenue on the ground that a crop has not been sown or has failed ;
- (15) to remit the fee chargeable on applications and petitions presented to a Collector or any Revenue Officer having jurisdiction equal or subordinate to a Collector for advice or assistance from the Ministry of Agriculture ;
- (16) to remit the fees payable under Schedule II upon applications for the grant or renewal of licenses or duplicates under the Arms Rules, 1924, in respect of which a fee is payable under those rules ;
- (17) to remit the fees chargeable on applications for the grant of licences of the nature mentioned in items 8 and 9 of Schedule II appended to the Explosives Rules, 1914, to possess gun powder, other explosives or detonators required bona-fide for blasting purposes ;
- (18) to remit the fees chargeable on applications presented to officers of Land Revenue for the suspension or remission of loans under the Land Improvement Loans Act, 1883 (XIX of 1883), or the Agriculturists' Loans Act, 1884 (XII of 1884) ;
- (19) to remit the fees chargeable on applications or petitions referring to any entry made or proposed to be made in a draft record of rights prepared under Chapter IV of the State Acquisition and Tenancy Act, 1950, provided that such applications or petitions are presented before the publication of such draft record under section 19(1) of the State Acquisition and Tenancy Act ;
- (20) to remit the fees chargeable on certified copies of entries in record of rights furnished in accordance with any rules for the time being in force under the State Acquisition and Tenancy Act, after the final publication of record of rights under section 19(3) of the State Acquisition and Tenancy Act ;
- (21) to remit the fees chargeable on applications for mutations of names in all Estates vested in the Government ;
- (22) to remit the fees chargeable on copies of documents furnished by a District Magistrate to an Advocate appointed by the Court to defend a pauper accused of murder ;



- (23) to direct that the proper court-fees chargeable on certified copies of entries in a record-of-rights of a village or a portion thereof maintained under the State Acquisition and Tenancy Act, 1950, shall be as follows :—

If the number of words does not exceed 360—50 paise.

If the number of words exceeds 360 but does not exceed 720—Tk. 1.

If the number of words exceeds 720—Tk. 1.50 paise.

- (24) to remit the fees payable on applications for permit in Form No. 56 of the Ministry of Finance for supply of rectified spirit or absolute alcohol duty free;

- (25) to remit the fees leviable under Articles 11 and 12 of Schedule I on the property of—

(i) any person subject to the Naval (Discipline) Act, 1934 (XXXIV of 1934), the Army Act, 1911 (VIII) of 1911 or the Air Force Act, 1932 (XIV of 1932), who is killed or died from wounds inflicted, accident occurring, or disease contracted while on active service, or on service which is of a warlike nature, or which in the opinion of the Government otherwise involves the same risks as active service, and

(ii) any person being a servant of the Government, Civil or Military, who dies from wounds or injuries intentionally inflicted while in actual performance of his official duties or in consequence of these duties, as follows:—

#### Remissions.

(a) Where the amount or value of property, in respect of which the grant of Probate or Letter of Administrations is made, or which is specified in the Certificate under the Succession Act, 1925, does not exceed Tk. 50,000 the whole of the fees leviable in respect of that property ;

(b) where the said amount or value exceeds Tk. 50,000 the whole of the said fees in respect of the first Tk. 50,000 ; and

(c) where the property passes more than once in consequence of deaths referred to in sub-clause (i), to remit in the case of second and subsequent successions, the whole of the said fees irrespective of the value or amount of such property;

- (26) to reduce to 25 paise the fee of 75 paise chargeable under paragraph 2 of article 1(b) of Schedule II in respect of applications for information when presented to a Civil, Criminal or Revenue Court;

- (27) to reduce to 12 paise the fee chargeable under article 1 (b) of Schedule II on application for conversion of an uncertified copy into a certified one;

- (28) to reduce to 25 paise the fee of 75 paise chargeable under article 1(b) of Schedule II on applications for free pass under sub-rule (3) of rule 2 of the Chittagong and Chittagong Hill Tracts Forest Transit Rules, 1932, for removal of forest produce;

- (29) to remit the court-fees chargeable on vakalatnamas for lawyers engaged by the Government on behalf of the members of the aboriginal tribes;
- (30) to remit the court-fee chargeable on the application for licenses to be made to the Licensing Authorities under the Drugs Control Order, 1943;
- (31) to remit, subject to the conditions laid down in the proviso to section 8 of the Government Savings Banks Act, 1873, the court-fee chargeable on the Probate or Letters of Administration or Certificate (if any) granted in respect of so much of the property of a deceased as represents the amount deposited in Government Savings Bank where such amount exceeds three thousand taka but does not exceed the amount referred to in clause (a) of section 4 of the said Act.

### 3. Use of Adhesive and Impressed Stamps.

606. The following rules have been made under section 27(b) of the Court-fees Act, 1870 (VII of 1870) and published under Notification No. 7175 J., dated the 9th September, 1925, to regulate the use of adhesive and impressed court-fee stamps in consequence of the abolition of impressed court-fee stamps in respect of fees up to Tk. 25, namely—

- (1) In cases where the amount of fees is less than Tk. 25 and such amount can be denoted by a single adhesive stamp, such fee shall be collected by a single adhesive stamp of the required value. But if the amount cannot be denoted by a single adhesive stamp, or if a single adhesive stamp of the required value is not available, an adhesive stamp of the next lower value available shall be used and the deficiency shall be made up by the use of one or more additional adhesive stamps of the next lower values which may be required to make up the exact amount of the fee.
- (2) In cases where the amount of fees is equal to or exceeds Tk. 25 and such amount can be denoted by a single impressed stamp, the fee shall be collected by a single impressed stamp of the required value. But if the amount cannot be denoted by a single impressed stamp, or if a single impressed stamp of the required value is not available an impressed stamp of the next lower value available shall be used, and the deficiency shall be made up by the use of one or more additional impressed stamps of the next lower values available, which may be required to make up the exact amount of the fee, in combination with adhesive stamps to make up fractions of less than Tk. 25.

The following form is prescribed for the vendor's certificate mentioned in the rule above:—

“Certified that a single stamp of the value of Tk. .... required for this document is not available, and that the smallest number of stamps which I can furnish so as to make up the required amount is as follows :—

### 4. Cancellation of Court-Fee Stamps.

607. Each judicial officer, should, under section 30 of the Court-fees Act, 1870, formally appoint an officer for the purpose of cancelling stamps. That officer who should ordinarily be the Bench Clerk shall personally attend to and be personally responsible for the strict fulfilment of, the duty of receiving documents to be filed, examining the correctness of the stamps attached thereto, and immediately cancelling such stamps as required by section 30 of the Court-fees Act. There is no objection to the ministerial officer appointed employing trust-worthy subordinates to do the mere manual work of cancelling the stamps,



subject to the approval of the Court; but it will be on the distinct understanding that officer will be personally responsible for the due execution of the duty and for any defalcation or fraud that may occur in connection with it.

*Note 1.*—The presiding Judge should see that punching is done immediately on presentation of the petitions in court at a place open to his view from his seat on the Bench.

*Note 2.*—The date stamp should be applied in such a manner as to cover or touch some part of the adhesive stamps, but not in such a way as to obliterate the entries thereon or to render the detection of forgeries more difficult.

*Note 3.*—If the document is insufficiently stamped the date stamp should not be applied to the stamps on it nor should the stamps be cancelled by punching out the figure-head. The document should be returned to the parties concerned for resubmission properly stamped.

608. Too strict a compliance with the provisions of Section 30 of the Court-fees Act cannot be enjoined, and attention is called to the Circular Order of the Board of Revenue reproduced in rule 612 below. In all cases it should be carefully seen that the figure-heads of the Court-fee stamps are punched out, that the pieces are destroyed, and the stamps registered before the documents to which the stamps are attached are filed or acted upon.

*Note 1.*—Every judicial officer should inspect and test the work of his officers from time to time so as to ensure attention to their duty and to limit opportunities for fraud. A very efficient check could be kept on any attempt to defraud Government by removing used court-fee stamps from records and using them again later, if each presiding judge would examine daily some of the records he handles and if he also examines periodically bundles of records of cases dealt with by him, taken out at random from the shelves in which they are placed (G. L. No. 13 of 1928).

*Note 2.*—See paragraph 1 of the Board's Circular Order, in rule 619.

*Note 3.*—For the second punching of court-fee stamps, on receipt of the records in the record room., See rule 609.

609. All stamps on records of cases which are not under the rules (vide rules 415, 416) required to be sent to the District Record Room must as soon as they are decided be punched a second time with a triangular punch by the clerks in charge of the files who should at the same time note the date of his doing so. The second hole in each label should be distinct from the first and the repunching should not remove so much of the stamp as to render it impossible or difficult to ascertain its value or nature.

610. The proper officer of the court issuing copies, certificates or other similar documents, shall before issue cancel the labels and punch the court-fee stamps affixed to them together with the court-fee stamp required for such copy by law (see Articles 6, 7, 8 and 9 of Schedule I of the Court-fees Act, VII of 1870, as amended by the Court-fees (Amendment) Act, 1922) in the manner directed by paragraph III of the Circular of the Board of Revenue reproduced in rule 612 below. If the application is disallowed, or if, before the copy is made the applicant intimate that he does not require it, such court-fee stamp may be returned to him, a note of this having been done being made in the register and signed by the proper officer and the applicant.

*Note.*—Stamps affixed to affidavits presented to a Commissioner for the purpose of administering an oath or affirmation to the deponent, should be dealt with in the same manner as the stamps on copies, certificates, or other similar documents liable to stamp duty.

611. Every judicial officer should make an occasional inspection of documents that have been filed in the records of pending and disposed of cases, in order to ascertain that the stamps have been properly punched and defaced, and have not been subsequently removed from the documents on which they have been used. It should also be observed whether proper court-fee has been realised in



respect of plaints and other documents and processes. The inspection should be made at least once a quarter and the result recorded. The check herein prescribed applies equally to all papers which require adhesive labels, and they should be subject to similar scrutiny.

612 The following is the Circular Order issued by the Board of Revenue, and referred to in rules 608 and 610 above.

I. Cancellation of Stamps —Local officers should direct their particular attention to the provisions of section 30 of the Court-fees Act, VII of 1870, regarding the cancellation of stamps used under that Act. The personal responsibility of the officer who gives any order to see that the stamp affixed under Act VII of 1870 is punched before he takes action is clear from section 30 of the Act, and must be enforced. The punch to be used by the receiving court or office must be round. The pieces punched out shall be immediately destroyed, so as to prevent their being fraudulently used.

II. Second punching by Record-Keeper (Revenue Circular, February, 1892)—The record-keeper of every court or office shall, when a case is decided and the record consigned to his custody, punch a second hole with a triangular punch in each label distinct from the first, and at the same time note upon the fly-leaf the date of his doing so. The second punching should not remove so much of the stamp as to render it impossible or difficult to ascertain its value or nature.

These directions apply only to adhesive labels used under the Court-fees Act. Impressed stamps used for denoting court-fees need not be cancelled or punched otherwise than as required by section 30 of the Court-fees Act.

III. Cancellation of stamps in copies—The Court or office issuing copies, certificates, or other similar documents liable to stamp duty shall, before issue, cancel the labels affixed to them by punching out with a square punch a portion of the label in such a manner as to remove neither the figure-head nor that part of the label upon which its value is expressed. As an additional precaution, the signature of the officer attesting the document, with the date, should be written across the label and upon the paper on either side of it, as is frequently done by persons signing stamped receipts. The stamp shall be punched at the time of attesting the document. An impression apparently exists that the hole, which is punched by the issuing Court or office in the stamp label affixed to copies, certificates, etc., under the preceding order, does away with the necessity for cancellation by punching out the figure-head under section 30 of the Act by the court or office in which the copy or certificate, etc., may be produced or filed, but this view is incorrect, and it will be readily understood that the orders in question cannot override the express provisions of the Act.

#### 5. Inspection of Records by Registration officers.

613 (1) Government having directed the Inspector-General and Inspector of Registration to examine record rooms of the various courts in the mufassal in order to ascertain that the rules for cancellation, custody and sale of stamps have been uniformly and properly carried out, every assistance should be afforded by judicial officers to such officers in the discharge of their duty.

(2) It being ordered by the Government that, on the discovery of any irregularity in respect of punching or otherwise defacing court-fee stamps, the inspecting Registration Officer shall at once bring the matter to the notice of the presiding officer of the court, such latter officer should inquire into the matter at once, in order that the person responsible may be traced,



(3) It is not intended that the inspecting officer should exercise any sort of interference with the arrangements which he may find in force in the offices under inspection and, therefore, his proceedings, as a rule, should be limited to recording a note of his observations together with any suggestions he may think fit to offer. He should not involve courts or officers in correspondence with him.

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## MISCELLANEOUS COSTS AND CHARGES.

## 1. Postage

614. The Government has been pleased to direct that the postage charges on all processes, notices, and such other documents as are issued from any judicial or revenue Court, and are required to be transmitted by post, shall be paid by means of service postage stamps, without any additional charge being levied from the parties at whose instance the processes are issued.

*Note.*—It is to be understood that processes thus issued should not be registered. If registered, they must be prepaid by stamp.

615. No fee for postage under Article 1-A, Schedule II of the Court-fees Act is leviable from any party when an outlying court has to call for its record from the District Record-Room for disposing of a petition or proceeding which cannot under the law be disposed of without such record.

*Note 1.*—This rule has reference to connected records which the court itself has to call for in order to carry out its duties under the law, e.g., for the disposal of applications under Or. 9, rr. 4, 9, or 13; Or. 21, r. 90; Or. 21, r. 95; Or. 47, r. 1.

*Note 2.*—In cases where Article 1-A, Schedule II, of the Court-fees Act is applicable, the records called for should be sent through post and their transmission should not be delayed till an opportunity of a peon travelling to the station in question on some other errand presents itself, provided that the latter method may be availed of if it is as expeditious as registered post.

616. Postage need not be paid by the parties (1) for the transmission and retransmission of requisitions upon the District Court at the Sadar station for the payment of money in deposit to decree-holders or other persons and (2) for the transmission of copies of decrees and certificates under sections 39 and 41 (Or. 21, rr. 4 to 6) of the Code of Civil Procedure from one district to another, for execution. Such documents should be forwarded with service labels, no additional charge for postage being levied from the persons at whose instance they are sent.

## 2. Witnesses' Expenses.

617. The civil courts shall not receive postage stamps in payment of the travelling and other expenses of witnesses. A party applying for a summons on a witness not being a summons made over to a party for service under Or. 16, r. 7-a(i), C. P. Code, shall deposit for the latter's expenses a sum in cash, sufficient to cover (when necessary) the transmission of the amount to another court by money order or postal note.

618. (1) Money orders or postal notes for the payment of witnesses' expenses, or of any other of the peremptory items falling under head (c) of rule 640 of the Account Rules, Part VI, shall be made payable to the cashier of the Court to which the money is remitted. The cashier will receive the money as provided in rule 662 and will deal with it as directed in rule 668.

(2) In the case of money orders the number of the suit and other necessary particulars shall be entered in the coupon which is now attached to all money orders.

*Note.*—When a money order is addressed to the court, it should direct the cashier to receive the money.



619. (1) In fixing the travelling and other expenses of Witnesses under Or. 16, r. 2, C. P. Code, the Court shall have regard to the scale laid down in these rules. The sum so fixed shall be tendered by the party to the Witness summoned in the case of summons under Or. 16, r. 7-A(i) and deposited into court when the summons is to be served through the Court.

*Note.*—The sum fixed by the court should be noted in the appropriate place in the summons by the ministerial officer in charge of the file before it is made over to the party for service.

(2) The expenses which a party applying for summons shall be required to pay, shall ordinarily be (a) a diet allowance, and (b) in the case of a witness residing at a distance from the court, if the journey cannot be performed on foot, or the age, position and habits of life of the witness render it impossible for him to walk, also his travelling allowance according to the scale set out below :—

(3) (a) Scale of subsistence allowance :—	Per diem.
(I) Witnesses, who are unskilled workers and persons of modest income .....	Tk. six to Tk. ten per head.
(II) Witnesses of the professional class and others of substantial pay or income.....	Tk. fourteen to Tk. eighteen per head.

*Explanation*—The above rates are intended to meet the cost of one day's meals. In every case, therefore, the Court should consider the circumstances of the individual and local conditions and grant a reduced allowance where the actual expenses are likely to fall short of the scale in this rule.

(b) Rates of travelling allowance—(i) When the journey is wholly or partly by rail, steamer, public motor service, the witness's actual fare each way, according to the class by which persons of his rank and station in life would ordinarily travel.

*Note.*—In the case of a person drawing a fixed salary, in determining the class by which he should ordinarily travel, regard should be had to the standard of classification laid down in the Travelling Allowance Rules framed by the Government.

See also, Note I to sub-rule (7) (a) of this rule and the Notes to rule 115.

(ii) When the journey is by any kind of conveyance by road, the actual reasonable conveyance charge up to a maximum limit of taka one a mile.

*Note.*—The rates are maxima. In every case the court should consider the class to which the witness belongs and local conditions and allow reduced mileage allowance where the actual expenses are likely to fall short of the rates.

(iii) In districts where the usual mode of travelling is by water, the actual expenses that will be incurred for boat-hire up to a maximum of Tk. five a day.

(4) In addition to the above, the authorised charges for tolls at ferries shall be paid by the party applying for the summons to the extent to which such charges will be incurred.

*Note.*—For the purpose of ascertaining the amount of tolls to be deposited by the parties a table shall be prepared and kept in each court showing the distance of each thana from the sadar station and each outlying munsifi, the number of intermediate ferries to be crossed, the authorised rates of charges for tolls at each of such ferries, and the existence or absence of roads or waterways.



(5) In hill districts where it is customary for a respectable person to be accompanied by a man carrying his baggage, such person may, if summoned from a distance of more than five miles, be allowed the actual cost incurred for the hire of one coolie.

(6) If the court is of opinion that any witness following any trade or profession or engaged in any commercial undertaking will suffer substantial loss by reason of his attendance, he shall be given, in addition to the diet money and travelling expenses permissible under the preceding rules, compensation according to circumstances.

(7) Notwithstanding anything in the foregoing rules :—

- (a) When Government servants other than Experts of the Finger Print Bureau of the Criminal Investigation Department, are summoned to appear as witnesses in civil cases to which Government is or is not a party, whether in their official or private capacity, no costs on account of salary shall be realised from the party at whose instance they are summoned ; but all sums received under these rules on account of their travelling and other expenses shall be paid in full to them, a certificate in the form reproduced as Form No. (M) 33 in Volume II being at the time granted :

Provided that Government servants whose pay exceeds Tk. 10 per mensem or whose headquarters are situated more than 5 miles from the court, shall draw travelling allowance from the department to which they are attached, and shall be granted by the Court only the certificate referred to above, when they are summoned to appear as witnesses, in their official capacity by either party and in their private capacity on behalf of Government, in a civil case to which Government is a party.

*Note 1.*—The travelling and other expenses of a Government servant payable by a private party who summons him to produce any record or document or to appear as a witness in a civil case to which the Government is or is not a party whether in his official or private capacity, shall be regulated by these rules and not the Travelling Allowance Rules framed by the Government under which he is serving.

*Note 2.*—Rule 619 (7) (a) does not affect Government servants whose rules require the deposit of salary when summoned to depose in Civil Courts.

- (b) When a Finger Print Expert of the Criminal Investigation Department is summoned to give evidence in private cases, a fee of Tk. 20 a day in each case, together with his salary, shall be realised from the party concerned ; these amounts shall be credited in full into the treasury by the court concerned. He should also be treated in such cases as a Government servant on tour within the meaning of Chapter V of the B. S. R. II ; his travelling allowances at that rate shall also be realised from the party concerned and be made over to the expert by the court.
- (c) (i) Where the Government Examiner of Questioned Document or his Assistant is summoned to give evidence or his opinion is sought in cases from private parties in civil suits, a fee of Tk. 200 which will be an inclusive fee normally covering the opinion, the cost of photographs and the giving of evidence shall be realised from the party concerned in addition to the travelling expenses of the officer at the rates laid down for first-grade officers in the Supplementary Rules of the Government for journeys on tour. Travelling allowance will also be payable for the peon accompanying the officer at the rates fixed for Government peons.



- (ii) In cases where the cost of photographs is exceptionally heavy the fee will, with the concurrence of the Director, Intelligence Bureau, Home Department, be Tk. 150 plus the actual cost of photographs. When an opinion is given but no photographs are taken, the fee shall be Tk. 150 only. In cases in which no opinion is given but photographs are taken only the actual cost of the photographs shall be charged. No reduction in the fee shall be allowed if evidence is not required or is taken on commission. An additional fee of Tk. 150 shall be charged for each day after the first day on which evidence is given, whether in Court or on commission, or on which either of the officers is detained.
- (iii) The fee is payable in advance and shall be credited in full to the Revenues of the Govt. by the Court concerned which will also be required to Certify that the amount representing the travelling expenses of the officer and the peon accompanying him has been deposited before the journey is undertaken.
- (d) In cases of doubt regarding the genuineness of currency and Bank notes, reference may be made by Courts to the Manager, Bangladesh Bank, Dacca, to provide the assistance of an expert. The fees and travelling allowance of the expert should be determined by the Courts in consultation with the Bangladesh Bank and should be deposited with the Courts concerned and treated as peremptory receipts.

### 3. Charges for Affidavits.

620. (1) Subject to the exceptions set out in sub-rule (2), the charge for administering the oath to the deponent in the case of any affidavit under the C. P. Code shall be one taka fifty paisha in all Civil Courts in Bangladesh. This charge shall be paid by means of a court-fee stamp and will be credited to Government.

(2) No charge should be made in respect of the following affidavits :—

- (i) Affidavits, if any, made by process-servers deposing as to the manner of service of a process.
- (ii) Affidavits in proof of service or as to avoidance of service made by persons, if any, who accompany such process-servers.
- (iii) Affidavits made by public officers in virtue of their office.
- (iv) Affidavits made by the identifier of a purdanashin woman in compliance with rule 38.

(3) Fees realised in respect of affidavits under this rule should be shown in column 6 of the Daily Register of court-fees realised.

*Note 1.*—For form of Daily Register of petitions and Court-fees, See Register No. (R) 13, Volume II.

*Note 2.*—Affidavits not under the C. P. Code or not connected with any case shall be charged for under Article 4 of the Stamp Act (II of 1899).

### 4. Expenses of Commissions.

621. (1) Besides incidental expenses of commissions, the sums mentioned in the following table are, apart from exceptional circumstances, considered by the Supreme Court (High Court Division) reasonable remuneration as maxima. It is not, however, intended to fetter the court's discretion under Or. 26 r. 15, civil Procedure Code, particularly in cases where superior expert knowledge is required

and is available. If in any instance, the payment of fees according to the table shall not appear to the court to be just and equitable, it may, for special reason to be recorded in the order, award a higher or lower fee than that therein prescribed.

(2) The scale is intended for cases where the work is likely to take only a day or two. When a consolidated fee is to be paid for work, taking some time, a considerable reduction in the rates specified below will ordinarily be desirable. These rates are maxima only rarely to be exceeded and they should not be applied indiscriminately to all classes of cases.

Nature of the Commission	Classes of Commissioners	Maximum rate in courts of a-			Remarks
		District and Subordinate Judge	Small Cause Court Judge	Munsif	
1	2	3	4	5	6
(1) For the examination of witnesses.	Advocates or any other person appointed as Commissioners.	Tk. P. 50 00	Tk. P. 20 00	Tk. P. 20 00	For each sitting of six hours. Full fee may be allowed if the witness or witnesses are examined in less than six hours and also for any incomplete period when the examination lasts more than a day.
(2) For local investigations which require knowledge of surveying.	(i) Advocates (Survey passed).	80. 00	...	40. 00	Daily (a day consists of six hours).
	(ii) Other persons (including unpassed advocates).	15. 00 to 20. 00	...	15. 00 to 20. 00	Ditto.
		(iii) Professional surveyors—			
	(a) With the Qualifications of Executive or Assistant Engineers.	150. 00	...	150. 00	Ditto.
	(b) With qualifications of Sub-Engineers.	50. 00 to 75. 00	...	50. 00 to 75. 00	Ditto.
		(c) With Qualifications of Overseers (graduate)	25. 00	...	25. 00
	(d) With qualifications of Overseers (apprentice).	10. 00 to 20. 00	...	10. 00 to 20. 00	Ditto.

*Note 1.*—Before the issue of a commission, a consolidated inclusive fee which must not be exceeded save in special circumstances should be fixed wherever practicable with due regard to all the circumstances of the case, the complexity or otherwise of the work, the probable duration of the commissioner's work and the current fees of Advocates or persons of the standing of the commissioner. The grant to a commissioner of the fee fixed will be contingent upon his showing that he has executed the commission with efficiency and reasonable despatch (See rule 239).



*Note 2.*—In suitable cases, a lump fee may be fixed instead of a daily fee, regard being had to the nature of the work and the time and labour it may involve.

*Note 3.*—If surveyors nominated by the Director of Surveys are employed as Civil Court Commissioners, they should ordinarily be remunerated at the rate which may be suggested by the Director.

*Note 4.*—The following statement of the daily outturn of work required by the Survey Department from professional agency will afford some guide to the Courts in determining the work involved in a particular commission :—

(1) Boundary survey	...	...	...	...	Half a square mile.
(2) Plain table survey of fields	...	...	...	...	15 acres.
(3) Extraction of areas	...	...	...	...	250 plots.
(4) Tracing and numbering	...	...	...	...	750 plots.
(5) Traverse line	...	...	...	...	100 chains.

*Note 5.*—No standard can be laid down for desk work. In each case, a sum will have to be fixed with reference to the difficulty or importance of the work and the time and labour that it may have taken.

*Note 6.*—The foregoing rates of remuneration are intended in the case of the persons included in class (iii), only as a general guide. When possible, the remuneration of professional surveyors should be regulated by the rules framed by Government regarding the employment of such officers in Government service.

*Note 7.*—The cost of sending and returning the papers relating to a commission by registered post should be realised in cash from the parties (C. O. No. 2 of 1932).

622. No general rule can be laid down for commissions to make partition, examine accounts, ascertain mesne profits or value of any property, etc., or other kinds of commission. In such cases the Court issuing the commission should fix a sum commensurate with the difficulty and importance of the work and the length of time that it might take. In suitable cases a reasonable sum in lump may be fixed as remuneration instead of a daily fee.

*Note.*—When a partition commission requires a knowledge of surveying and a survey passed Advocate or other person with the required knowledge in surveying is appointed, he should be paid at the rate given in items (i) and (ii) of column 2 of the table in rule 621.

623. As a general rule, the amount to be allowed as incidental expenses should be regulated by the scale of travelling allowance prescribed for officers of Government of the class to which the Commissioner belongs; but in exceptional circumstances, and if the Commissioner is not a Judicial officer, should the Court be of opinion that his actual expenses cannot be covered by allowances calculated on this scale, it may, for reasons to be recorded, order such further sum to be paid as it thinks reasonable.

*Note 1.*—For the purpose of this rule, a commissioner should ordinarily be treated as a second class officer.

*Note 2.*—If the time spent in going to the place of investigation and returning therefrom comprises several days, the Court may allow a daily fee for such period at any rate not exceeding the maximum halting allowance prescribed for second class officers under the Government Travelling Allowance Rules.

624. Commissioners who are judicial officers are not entitled to fees, nor to any further remuneration than is permissible under the Government travelling and halting allowance rules. No other sum should, therefore, be demanded of the parties. The sum paid will be credited to Government, and the commissioner will recoup himself by drawing travelling allowance under the Rules.

*Note.*—This rule also applies when a judicial officer goes for local inspection.



625. Judicial officers should bear in mind that a commissioner would be justified in refusing to execute a commission, if the party has not deposited cash sufficient to pay his fee as well as his necessary incidental expenses. A commissioner's remuneration should be paid in cash, unless he is a judicial officer.

626. In any case in which the sum fixed for the expenses of the commission and paid into Court shall have been calculated with regard to the time likely to be occupied in the execution of such commission, the Court should instruct the commissioner that, in the event of his finding that the time fixed is insufficient, he should give timely notice to the party at whose instance the commission was issued, and at the same time, report the fact to the court giving an idea of the time the execution of the commission may further take. The sum necessary to cover the expenses for such further period as may be required to complete the execution of the commission as determined by the court should then be deposited in court by the party. If the additional deposit be not made within the time fixed by the court, the commissioner on receiving intimation from the court to that effect will suspend work and the trial should proceed without the commissioner's report.

627. If a commission for examination of witnesses be issued to a court, the expenses to be charged should include only the necessary process-fees for summoning the witnesses, to be paid in court fee stamps, the usual allowance to witnesses for their attendance to be paid in cash when summoned through court, and where the papers are to be sent by post, the costs of sending and returning them by registered post. In the event of the non-attendance of a witness or witnesses, any surplus payment should be refunded.

628. If a commission for examination of witnesses is to issue to an Advocate practising in another court, the fee shall be received in cash and transmitted, together with the commission, and in cases where the post is used, the costs of sending the papers to the advocate and of their return to the issuing court, in each case by registered post, to such court, and when such court is the Supreme Court (High Court Division), to the Registrar.

*Note.*—Fees transmitted to the Registrar shall be remitted by money order payable to the Accountant, office of Registrar, Supreme Court (High Court Division), Appellate Jurisdiction.

629. The court or officer receiving a commission for examination of witnesses issued to an advocate under the preceding rules shall immediately deliver it to him, unless he refuses to act, or is not found present. If the witness or witnesses appear before him and are examined, so that he can make a return within the time limited, the fee for the work done shall, on his returning the commission duly executed, be paid over to him, any surplus shall be sent back, together with the commission, to the court which issued it, and shall be refunded by such court to the party who paid it. If, from the absence of a witness, or other good cause, the commissioner cannot make a return within the time limited, he must obtain an extension of time or other orders from the court which issued the commission.

630. All applications for refunds of money deposited for the expenses of commissions must be made within three years of the time when the right to the refund accrues. Applications made after the expiry of three years will not be considered.

##### 5. Expenses of Guardian ad litem.

631. When an advocate is appointed as a guardian ad litem under Order 32, rule 3(1), regard shall be had to the following table in fixing his fee



though it is not intended to fetter the Court's discretion in cases requiring special treatment :—

### I. In the Courts of Munsifs.

In money and other suits under Ordinary procedure—

Where value does not exceed Tk. 100.00	Tk. 5.00
Where it exceeds Tk. 100.00 ..	Tk. 8.00 to Tk. 12.00
In Small Cause Court suits and miscellaneous proceedings and execution matters.	Tk. 5.00

### II. In the Courts of District and Subordinate Judges.

In suits tried under ordinary procedure	Tk. 16.00 to Tk. 32.00
In appeals ..	Tk. 16.00 to Tk. 32.00
In Small Cause Court suits and miscellaneous matters and execution proceedings	Tk. 10.00 to Tk. 16.00

III. In cases where there are adult defendants as well as the minor and they appear by advocate, if such advocate be appointed guardian *ad litem* of the minor, the remuneration to be paid to him shall be half of what would have been paid to an advocate not appearing on behalf of other defendants.

IV. An advocate appointed by a court to be a guardian *ad litem* shall not incur any expenses on account of travelling without the leave of the court.

*Note.*—The fees mentioned in the above table refer to the fees of guardians in respect of the duties which they perform in the courts by which they are appointed. If the proceedings are carried to another court and the guardian by reason of the duties imposed upon him under Order 32, rule 3(5) of the Civil Procedure Code, has to incur additional expenditure in that court, *e.g.*, by briefing an Advocate to represent the interests of the minor in cases in which separate representation of the minor is essential, special fees will be sanctioned by the court which appoints the guardian.

632. When a guardian of a minor defendant is appointed under Order 32, rule 3(1), civil Procedure Code, the court appointing him shall, in the order appointing the guardian, direct the attention of such guardian to the provisions of Order 32, Rule 3(5) of the Code.

633. If at any subsequent stage of the suit or the proceedings mentioned in Order 32, rule 3(5) of the Code, the duly appointed guardian does not wish to continue to act as such, he shall immediately notify the court in which the suit or any proceedings connected therewith may be pending, to enable such court to appoint another guardian in accordance with law.

634. A ministerial officer when appointed by a court to be guardian *ad litem* of a minor or minors shall receive only his actual out-of-pocket expenses (*e. g.*, postal and stationery charges, etc.) properly incurred in the performance of his duties as such guardian. If he has to go to the locality for inquiry under the order of the court, he should get actual travelling expenses (*vide*, rule 619, (3) (b).

## PART VI.—ACCOUNT RULES\* (JUDICIAL).

### CHAPTER 28.

#### GENERAL.

635. The following rules prescribe the procedure for the receipt and payment of money, and for keeping accounts, to be observed by officers exercising judicial powers and dealing with money in that capacity. These rules do not apply to the Supreme Court (High Court Division). They apply to all Judges, Additional Judges, Subordinate Judges, Munsifs, and Small Cause Court Judges, and these are all included under the general term "Judge".

636. While the rules generally are applicable to all the officers just mentioned, a special procedure is laid down, where necessary, for courts not situated at or near a treasury or sub-treasury. Such courts are in the rules designated "out-stations", which term must be held to include Courts at or near sub-treasuries during such time as the sub-treasuries may be temporarily closed owing to the absence of the Subdivisional Officer from his headquarters.

637. (1) In these rules, the term "District Judge" signifies the officer whose accounts are rendered to the Accountant-General, either for his own court only, or for his own and subordinate courts. Any officer may be vested with the powers of a District Judge for the purposes of these rules; and in any district in which a District Judge is not for the time being resident, they shall be exercised by the principal civil Judicial officer at headquarters.

*Note.*—Only one set of returns should be sent to the District Judge for the courts whose accounts are kept together, and not a separate set for each court. (Accountant-General's No. 141-A, dated 26th April, 1881).

(2) In districts where there is no resident District Judge, the principal civil judicial officer at the headquarters is the officer invested with the powers of a District Judge for the purposes of accounts; and he will keep and render the accounts of all the civil courts in his district. A District Judge cannot delegate his powers as regards accounts to any of his subordinates. What he can do, when absolutely necessary, is to place any of the officers subordinate to him in charge of accounts, without in anyway relieving himself of responsibility for the due accounting for all receipts and payments. When this is done, the Judge's establishment will do all the work in connection with the accounts, the subordinate officer will sign the papers as if he were placed in charge of the current duties of the Judge's court, and to the chief ministerial officer of the District Judge's court (but of no other court at headquarters stations) may be delegated the duty of passing chalangas.

\*These rules (framed under the Charter Act) are for observance by Judicial, Magisterial and all civil officers, not in direct account with the Accountant-General, in the receipt and payment of money. They were originally issued with Circular Order No. 4 of 5th March, 1881, and amended from time to time.

The account forms referred to in the rules will be found in Volume II, Appendix A-I, Nos. (A) 1 to (A) 33. The appendices at the end of the part are intended for the guidance of officers in carrying out the rules.

638. The term "Judge in charge" is used to designate the officer who, when there are two or more Courts at one station, supervises the single set of accounts maintained for all such Courts. When there is but one Court at a station, the Judge thereof is the "Judge in charge" of his own accounts.

*Note.*—At headquarters stations the accounts for all courts shall be kept in the District Judge's court. At subdivisions and out-stations, the accounts of all courts shall be kept in the office of the Munsif placed by the District Judge in charge of the accounts of that station, and to his office shall be attached the staff of the Accounts Department.



639. (1) Erasures and overwritings in any account, register, schedule, cash book, etc., are absolutely forbidden: if any correction be necessary, the incorrect entry should be cancelled neatly in red ink and the correct entry inserted. Each such correction or any alteration deemed necessary shall be authenticated.

(2) Account books should be kept in bound volumes paged throughout before they are brought into use, the total number being certified on the cover by the accountant and attested by the dated initials of the Judge in charge.

*Note.*—This rule does not apply to the Register of deposits received, to which the monthly detailed statements of a deposits in the subordinate court are to be attached, *vide* rule 720.

640. The following are the heads of accounts under which the money received and paid by judicial officers, or under their orders, is classified :—

(A) Government Receipts.

This head is subdivided into the following sub-heads of account :—

- (i) Stamp duty and penalty realised in Court.
- (ii) Judicial fines and forfeitures.
- (iii) Other general fees, fines and forfeitures.
- (iv) Sale-proceeds of unclaimed and escheated property.
- (v) Court-fees realised in cash.
- (vi) Miscellaneous fees and fines.
- (vii) Miscellaneous.

*Note 1.*—Sub-head (i) is classified in the public accounts under the major head “IX—Stamps” and sub-heads (ii) to (vii) under the major head “XXI—Administration of Justice” of which they form the minor heads. The accounts under the sub-heads (i) and (ii) are maintained in detail in the court as well as in the treasury [See rule 642 (1)].

*Note 2.*—Penalties levied on instruments not duly stamped under Chapter IV of the Stamp Act are credited to the major head “IX—Stamps” in the public accounts. The stamp duty is classified under the minor head “A. Non-judicial duty on impressed documents” and the penalty under the minor head “B. Judicial fines and penalties”. These are classified together in the courts’ accounts under the sub-head (i) above, but the duty and the penalty must be separately shown in the chalan sent to the treasury in order that they may be credited separately under the above minor heads. [See rule 742 (1)].

*Note 3.*—The sub-heads (ii) and (iii) are subdivisions of the same minor head “General fees, fines and forfeitures”, under the minor head “XXI—Administration of Justice”. The receipts under the sub-head (ii) are credited to the treasury with a chalan for each item and appear in the treasury accounts in detail (See rules 642 and 689). Under the sub-head (iii) are credited the fees of civil courts, forfeitures of earnest money of defaulting bidders and other general forfeitures and these are sent to the treasury with a single consolidated chalan everyday (See rules 671 and 689).

*Note 4.*—Proceeds of unclaimed property of intestates is credited under the sub-head (iv). District Judges’ Courts alone deal with the unclaimed Property of Intestates. The value thereof cannot be credited to Government until the time limited by law has expired (*vide* rule 743).

*Note 5.*—Under sub-head (v) are credited process-server’s fees realised in cash, recoveries on account of pauper suits, and other items relating to cash realisation of court-fees.

*Note 6.*—(a) Under sub-head (vi) are credited all cash receipts of the record room, e.g., searching fees, copying fees and comparing fees.

(b) (i) Bills for travelling allowances when admissible under Bangladesh Service Rules or other expenses of Government servants referred to in Note 4 to Rule 640(c) should be drawn up according to the rules applicable to them and presented to the treasury in the usual way.



Simultaneously an equivalent amount should be withdrawn from the "Peremptory Receipts" and credited to general revenues under sub-head (vi). Fees of Government servants appointed as commissioners or proceeding for local inspection should similarly be withdrawn and credited to Government under this sub-head, the Government servants concerned drawing their pay in the usual manner. To guard against any possible oversight, every bill presented by the Government servants should be accompanied by a certificate to the effect that the amount of travelling allowance and other expenses claimed is not less than the amount actually deposited by the parties and credited to Government. Government servants summoned to give evidence should further submit with their bill a certificate of attendance which shall be given by the Court.

(ii) In cases where the amount deposited is not sufficient to cover the travelling allowance, fees and other expenses of the Government servants, they shall not proceed till the balance has been deposited by the parties.

(iii) In cases where the Government servants do not travel or where there is a balance remaining after crediting to Government the fees admissible and the amount of travelling allowance or other expenses drawn by the Government servants, the unspent deposit shall remain in the hands of the Cashier as Peremptory Cash till withdrawn by parties or transferred to Civil Deposit in accordance with Rule 691.

*Exception*—When the headquarters of Government servants, summoned to give evidence, are within 5 miles of the court, all amounts received on account of their travelling and other expenses should be paid in full to them, a certificate of payment being at the same time granted.

*Note 7.*—Under sub-head (vii) are credited all miscellaneous receipts, e.g., sale-proceeds of forms and of old stores and materials and other items. The details of "other items" should invariably be furnished in the chalan sent to the treasury.

*Note 8.*—(a) The cost of photographic enlargements of finger prints made by the Finger Print Bureau of the Criminal Investigation Department as well as the pay and fee of the Finger Print Expert, when summoned to give evidence at the instance of a private party, shall be received in cash and dealt with as peremptory receipts. On receipt of such sum by the cashier, the Superintendent of Police, or the official superior of the officer whose services have been requisitioned shall be informed that the necessary costs have been deposited and retained in the custody of the Court and on receipt of the report of the Superintendent of Police or the official superior of the Expert, as the case may be, as to the costs incurred by the police force or the Expert by way of travelling allowance and other expenses, the amount should be paid out of the cash held in deposit by the Court concerned into the treasury to be credited to the police Department under "XXIII—Police-Fees, Fines and Forfeitures". A chalan in triplicate shall be prepared and forwarded with the cash to the treasury. One copy of the chalan will be retained by the treasury, of the other two copies returned by the treasury, one will be retained in the Court and the other sent by the Court to the office of the Inspector-General of Police with a duplicate of the Court's certificate in Form No. (M) 33 of the Civil Rules and Orders, Volume II. Costs of police help in execution proceedings and of photographic enlargements of hand-writings made by the Handwriting Expert of the Criminal Investigation Department as well as the pay and fees of the Handwriting or Foot-print Expert belonging to the same Department being receipts of the Police Department are also to be received in the above manner and credited to the treasury under "XXIII—Police-Fees, Fines and Forfeitures".

(b) (i) The fee charged in each case in which an opinion is required of the Government Examiner of Questioned Documents or his Assistant or when such officer is summoned to give evidence at the instance of a private party, shall be received in cash and dealt with as peremptory receipts. The sum so received shall, on receipt by the cashier, be forthwith paid separately by him into the treasury to be credited to the Government Revenues under head "XLVI—Miscellaneous—Other Fees, Fines and Forfeitures—Fees for the services of the Government Examiner of Questioned Documents". A chalan in triplicate shall be prepared and forwarded with the cash to the treasury. One copy of the chalan will be retained by the treasury; of the other two copies returned by the treasury, one will be kept in the Court and other sent to the Government Examiner of Questioned Documents, D.I.G., C. I. D., Dacca, with the requisition for the services of the Government Examiner of Questioned Documents or his Assistant. The Government Examiner of Questioned Documents will in cases in which the whole or part of his fee is to be refunded, furnish a certificate to the Court, giving details of the amount refundable. On the authority of the certificate the Court concerned will be in a position to authorise to refund to the party concerned of the amount deposited in excess. When the refund has been directed by the Court, the order permitting such a refund will be forwarded to the D. I. G., C. I. D., Dacca.

(ii) When the Government Examiner or his Assistant is required to travel in order to give evidence or for any other purpose, the party employing his services will be required to pay travelling allowance at the rates laid down for first grade officers in the Supplementary Rules of the Government for journeys on tour. Travelling allowance is also payable for the peon



accompanying the officer at the rates fixed for the Government peons. The amount of travelling allowance will be deposited by the party with the presiding officer of the Court before the journey is undertaken. Such deposits will be treated by the Court as peremptory receipts pending credit into the treasury on receipt of intimation from the Accountant-General, Bangladesh.

*Note 9.*—All Government receipts shall without undue delay be paid into the treasury as laid down in Treasury Order No. 7. No refund should be made in respect of receipts under the sub-head (vii) (*See* rules 684 and 685).

### (B) Civil Deposits.

*Note 1.*—Any sum deposited in court under section 379(1) of the Succession Act (XXXIX of 1925) with an application for a certificate or for the extension of a certificate must be classed under "Civil deposits".

*Note 2.*—*See* Note 4 to rule 654.

*Note 3.*—Fees payable to commissioner other than those for taking evidence should be deposited to the credit of the presiding officer of the court concerned and transferred later to the credit of the particular commissioner. The money should be withdrawn by the commissioners themselves on filing applications for payment orders which do not require court-fee. If the commissioner does not reside at the station in the treasury of which the amount is deposited, payment order should be issued in the favour of the cashier who should transmit the amount by money order. The receipt and payment of such money by the cashier should appear in the Cash Book (General Letter No. 10 of 1931).

*Note 4.*—No sum which can be credited to some known head in the Government account should be kept in deposit (*see* Article 197 of the Civil Accounts Code, Volume I).

### (C) Peremptory Receipts.

These are receipts of money by the cashier in cash, accounts of which are to be kept only in the accounts of the Court, and which are expected to be disbursed by payment or expenditure without much delay. They include :—

- (i) All items of expense regarding witnesses, e.g., diet money, travelling expenses, compensation, costs of returning and preparing certified copies of documents called for, etc., etc.

*Note.*—*See* Note 8 under head (A). These receipts belong to other departments and instead of paying them into Court, the parties may credit the amounts into the treasury and file in Court the chalan obtained as evidence of payment.

- (ii) (a) Fee, travelling allowance, etc., payable to persons appointed or deputed by the Court for specific purposes, e.g., guardian ad-litem's fee, commissioner's fee for taking evidence, nazir's travelling in execution proceedings, etc., etc.

(b) Sums to be expended by officers of the court in order to comply with or enforce the Court's order in cases or execution proceedings, e.g., pulling down a wall or house, maintenance of live stock in the custody of the nazir, publication of sale proclamation in newspapers, postage for sending summonses or processes, ordered to be sent by post.

(c) Subsistence moneys of prisoners.

(d) Costs of adjournment or costs when a party is put on any terms.

(e) Other peremptory receipts.

*Note 1.*—*See* rule 691 and the Notes thereunder.

*Note 2.*—Money orders or postal notes for the payment of witnesses' expenses, or of any other of the peremptory items falling under head (c) shall be made payable to the cashier of the Court to which the money is remitted. The cashier will receive the money as provided in rule 662 and will deal with it as directed in rule 663. In the case of money orders, the number of the suit and other necessary particulars shall be entered in the coupon which is attached to all money orders.



*Note 3.*—The civil court shall not receive postage stamps in payment of travelling and other expenses of witnesses.

*Note 4.*—For disposal of the pre-emptory cash received on account of the travelling allowance of the Nazir for execution of a process, etc., or for travelling and other expenses and fees of Government servants recovered under Order XVI, Civil Procedure Code, or otherwise, when (i) summoned to appear as witnesses in civil courts in their official capacity in all cases whether Government is a party or not, (ii) appointed as commissioners or proceeding for local inspection, or (iii) required to produce Government records, (See Note 6, Rule 640).

*Note 5.*—As regards money received for payment of postage and postage stamps received, (See notes to rules 668 and 672).

*Note 6.*—For payments of sums received under head (c), see rule 647.

641. From the list of headings in rule 640 it will appear that the rules apply only to money received by an officer in his judicial capacity. They do not apply to local fund receipts and payments, nor to money received by way of permanent advance, or upon establishment or contingent bills (see rule 672).

*Note.*—As regards local funds there is a separate system of rules. In dealing with all Government receipts and with money received by way of permanent advance or upon establishment and contingent bills, a judicial officer should be guided by the Financial Rules of the Government and the Subsidiary Rules framed by them under the Treasury Orders.

642. The receipts and payments under head (B) of rule 640 & 747 must appear in the Court's account in detail but in the treasury account in which a personal ledger account only is maintained for this head, the daily totals of receipts and payments made at the Court and the individual items of receipts and payments at the treasury will appear. All receipts and payments under sub-heads (i) and (ii) of head (A) above must appear in the Court's accounts and in the treasury accounts in detail. An account in detail of all receipts under sub-heads (iii), (vi) and (vii) of head (A) must be kept in the Court, but only the daily totals of each kind of receipts will appear in the treasury books. All receipts and payments under head (C) will be made on the responsibility of the cashier, whose security must be sufficient to cover any amount in his hands. They will not appear in detail in the treasury accounts, but the balance in the hands of the cashier must be noted daily in the cash book, as well as the balances of any other moneys with which he may be entrusted (e.g., permanent advance, or pay of establishment).

*Note 1.*—Fractions of a paise are not to be entered in the Court's accounts, and they should neither be received nor paid.

*Note 2.*—To facilitate the checking of accounts, signatures of the payees in respect of unexpended diet money of witnesses and other classes of payments must be dated.

*Note 3.*—Cashiers and others authorised to make disbursements on passed vouchers, should make no payment without a proper pay order of the responsible disbursing officer recorded clearly in ink on the bill or other voucher. No payment should be made on a voucher or order unless it is signed by hand and in ink.

643. An exception to rule 642 is allowed in cases where the Court sanctions the payment of money by one person to another and both are present in Court. In such cases the money may be passed direct from the one to the other, the fact being noted in the record of the case (see rule 179). Such transactions are not to appear in the accounts at all. This procedure may conveniently be followed in cases where judgment-debtors are prepared to satisfy the claims of judgment-creditors, where costs are ordered to be paid as condition precedent, or where sums in excess of those paid in court are to be paid to witnesses.



644. Judges will, as far possible, in their transactions with the public, avoid the direct receipt and payment of money under head (B) of rule 640. Cash must, however, be received—

- (a) when the court is bound by law to accept payment either absolutely or up to a given time (*vide* sec. 55, and Or. 21, rr. 84 and 85), and in every such case the money shall be received even although tendered after the hour prescribed by rule 650;
- (b) when the proceeds of movable property sold in execution (Or. 21; r. 77) are realised after the hour prescribed in rule 650;
- (c) any sum deposited under sec. 379 (1) of the Succession Act (XXXIX of 1925), must be received in cash even though tendered after the hour prescribed by rule 650.

645. At out-stations cash transactions under head (B) of rule 647 are allowed. Money should, however, be received in cash only when, having regard to the balance in hand (which should not ordinarily exceed Tk. 500), this can conveniently be done. Payments of small sums should ordinarily be made out of cash in hand, but large payments should be made in cash, only if this can be done conveniently, and if it is better thus to disburse the balance of cash in hand than to remit to the treasury.

646. Subordinate Judges and Munsifs exercising Small Cause Court powers, though their Courts are situated within daily reach of a treasury, may, by special order of the Supreme Court of Bangladesh (High Court Division), be empowered to receive and pay in cash small sums coming under head (B) of rule 647. The sums so paid shall not in any case exceed Tk. 100 in amount.

647. Money under heads (A) and (C) of rule 640 may ordinarily be received in cash in all courts. As explained in rule 684 repayments under sub-heads (i) to (vi) of head (A) should ordinarily be made only through the treasury. Under head (C) payments will ordinarily be made in cash by the cashier on his own responsibility. No refunds should be made on account of sub-head (vii) of head (A).

648. Except in the case of Courts at out-stations the whole cash balance must be remitted to the treasury (or to a branch bank, *vide* note to rule 696), as provided by rule 699 below, at the close of each day. At out-stations the entire cash balance must be so remitted on the last day of the month, and from time to time on such other days in the course of the month as may be convenient. Should, however, the cash balance at any out-station be less than Tk. 25 at the end of any month, the officer concerned may send a special report of the circumstances to the Collector of the district and keep the balance in hand for remittance during the following month. Under no circumstances shall the balance of cash in hand be allowed to exceed Tk. 500, unless the special permission of the court has been secured to accumulate the same up to a higher limit. In the case of munsifs of masonry construction provided safes of approved make, the balance of cash may, however, be allowed to accumulate up to a limit of Tk. 1,000.

*Note 1.*—The expression “cash balance” or “the balance of cash in hand” means the balance of cash pertaining to heads (A) and (B) of rule 640 and excludes the amount of permanent advance, peremptory cash, establishment pay, etc. (Circular Order No. 15 of 1931).

*Note 2.*—For the purposes of this rule munsifs at patiya and Satkania will be taken to be or pucca structure.

*Note 3.*—When the cash balance at any out-station at the end of the month is not less than Tk. 25 and not more than Tk. 100, it should be remitted to the treasury by money order. For procedure to be followed in such cases (*See* Note 3 to rule 626 post).

649. If, after a remittance, and before further cash has come in, payments in cash are necessary, they should be made from the permanent advance.

650. For the purposes of these rules, in all Courts the 'day' must be taken as closing one hour earlier than the hour at which the local treasury closes and no transaction shall take place in Court after that hour. The accounts must be made up and the cash balance remitted to the treasury before the treasury closes. If any transactions have to be allowed under the law (*vide* rule 644) or under any special circumstances after the accounts are closed, they must be forthwith entered in the cash book bearing date the next open day. The total of such transactions shall be shown in lump as 'receipts after the day's accounts are closed' or 'payments after the day's accounts are closed' as the case may be, in the cash reconciliation memo. of the day, made under rule 672.

*Note.*—On the last working day of each month it is necessary that the accounts be closed at 12 noon or at the hour prescribed above, whichever is earlier.

651. The "month" for the purposes of these rules, shall be taken to close, in Courts at district headquarters, at the end of the last account day of the month; in courts at sub-treasuries, at 2 p.m. on the day on which the accounts of the subdivisional treasury are finally closed for the month; and at out-stations, at 2 p. m. of the last day, on which the accounts can reach the treasury in time for incorporation with the treasury accounts for the last day of the month.

652. For the purposes of these rules, the "year" in all courts shall be taken to begin on the 1st July and close on 30th June.



## CHAPTER 29

### RECEIPT AND PAYMENT OF MONEY.

#### 1. RECEIPT OF MONEY.

##### SUB-HEADS (i) TO (v) OF HEAD (A) AND HEAD (B) OF RULE 647

###### Chalans required.

653. Payment of sums falling under sub-heads (i) to (v) of head (A) and under head (B) of rule 640 cannot be accepted either in Court or at the treasury, unless the money be tendered with chalans signed by the chief ministerial officer of the Court under whose decree or order the money is tendered. When the amount is to be paid in cash into Court, the chalans shall bear the express order of the presiding Judge directing the cashier to receive the money; when the amount is to be paid into the treasury, the chalans shall bear the express order of the Judge-in-charge of accounts directing the treasury officer to receive the money. When money is paid into the treasury, or under the sub-heads (i) and (ii) of head (A), into Court, it should be tendered with chalans in triplicate, but in the case of payments into Court under the other heads, chalans in duplicate only are required.

654. Any person desirous of paying money into Court, or, in the case of collections made by any officer of the Court, the officer who has realised the money, shall be furnished, free of cost, with the requisite number of forms of chalan (Form No. (A)/I), in each of which he must enter in the vernacular or English the particulars required from him. One of the chalans, herein called the original chalan, shall bear the court-fee stamp (if any) required by law.

*Note 1.*—Money realised by a peon or the nazir of the Court in execution of a process shall be paid with a single copy of chalan which shall be filed with the record of the case.

*Note 2.*—In the case of deposit chalans, care must be taken to enter fully the nature of the deposit, the number of the suit or execution case (if any), the name of the person on whose behalf the money is paid in and of the person to whom it is to be paid over, etc.

*Note 3.*—No stamp is required for a tender of money which a party is bound to pay in to Court in the progress of a suit or to complete a purchase, or to deposit decretal amount under Or. 21, rule 1(I), as the court cannot refuse the tender.

In cases where the payment is voluntary, such as deposits made on account of rent, or by a mortgagor and the like, a stamp should be required; but if the application or petition be duly stamped, a second fee should not be exacted for the chalan.

*Note 4.*—In the case of sums deposited under section 379(1) of the Succession Act (XXXIX of 1925), the deposit chalans must show that the amount is deposited to the credit of the Judge.

*Note 5.*—(a) All payments into court for deposit under the Land Acquisition Act, 1894, shall be made by means of cheques drawn by the Land Acquisition Officer in favour of the presiding officer of the court to credit of civil court deposits. The transactions will be passed through the Court's accounts in the same way as a deposit in cash.

(b) The cheques of the Land Acquisition Officer shall be accompanied by receipts in triplicate in Form No. (A) 33, duly filled up, of which one will be retained by the Court for record, and the other two returned, duly signed to the Collector. Payments of the amounts deposited shall be made under the rules for the payment of Civil Court deposits.

*N. B.*—These receipts should be regarded as chalans and dealt with in the matter of numbering and registration in the same manner as chalans tendered with other civil deposits. It is not intended that there should be a separate register for them, the Register of Chalans being sufficient for the purpose.

(c) When a court awards any compensation in excess of the Land Acquisition Officer's award, the further payment due shall also be made into the Court by means of a cheque and the procedure described in the preceding paragraph shall be followed Form No. (A) 33, being used with the necessary changes in order to give full particulars of the order of the Court,



(d) Investments under secs. 32 and 33 of the Land Acquisition Act, of money deposited in Court, shall be arranged for, in the case of Government securities, in communication between the Court and the Civil Accountant-General concerned, and purchases of land should be effected under the Court's orders through the Collector or other revenue authority of the district. The Accountant-General will inform the Court what sum should be remitted in order to enable him to make the investment, and this amount will be paid from the deposits in Court.

655. The person desirous of paying in the money, having filled up the forms of chalan, shall present them to the chief ministerial officer of the Court mentioned in rule 653. The latter shall then ascertain by a reference to the record of the case or register concerned, that the amount tendered is correct, and is due, from the person on whose account it is tendered, to the person to whom it is stated to be payable, and, after correcting the forms of chalan, if necessary, shall sign part I. If the money is to be paid into the treasury, the chalans shall be taken direct from the chief ministerial officer of the Court to the accountant. When the money is to be received by the cashier, the chief ministerial officer shall obtain the order of the presiding Judge directing the cashier to receive the amount entered in the chalans. The chalans shall then be taken with the money to the cashier who, on receiving the money, shall efface the chalans with his receipt as prescribed in rule 663 and pass them on to the accountant of the Court or set of Courts.

The accountant shall number the chalans and enter them in a Register of chalans [Form No. (A) 14]. If the amount be a deposit paid into Court, he shall enter the transaction in the Register of deposit receipts also, and fill up Part II of the chalans; if the amount be a deposit to be paid into the treasury he shall obtain the order of the Judge in charge of accounts directing the treasury officer to receive the amount entered in the chalans.

*Note.*—When money is to be paid into the treasury, column 2 of Part II of the chalan will be filled up only in the duplicate copy, after it is received back from the treasury under rule 664(2), simultaneously with the posting of the items in the Register of Deposit Receipts (rule 704).

656. The Register of Chalans shall be kept in several parts, the first being set apart for registering all chalans under the sub-heads (i) and (ii) of head (A) of rule 640 as well as those chalans for which money is paid direct into the treasury. There should be a separate part for each of the Sub-heads (iii), (iv) and (v) under head (A) and also for payments into court under head (B) of rule 640, made in accordance with rules 644 and 645. At the close of the day's transactions, consolidated chalans for all receipts recorded in each of the latter parts should be prepared and entered in the first part, numbering them in continuation of the last serial in it.

*Note.*—For receipts in cash under sub-heads (vi) and (vii) of head (A) of rule 640 see rule 671 post.

#### Registry of chalans : Entries to be approved by Judge-in-Charge.

657. A separate index number shall be given to each chalan. The chalan entered in each part of the Register of Chalans shall be numbered in a consecutive series, which shall be entered both in the register and on the chalans. The accountant shall be careful to enter in the chalan the particular head or sub-head under rule 640 to which the receipt belongs.

658. (1) The register and the chalans shall then be laid before the Judge in-charge, and he shall initial each entry as he passes the chalans. If the money be paid into the treasury, the three chalans shall then be returned to the party tendering the money, and shall be his authority to pay the same into the treasury.

(2) When payment is made into Court, one copy of the chalans shall be returned to the person paying the money as his receipt. This receipt shall be



produced by him in Court when it is necessary for him to have satisfaction entered upon the record of the case to which he is a party; or when it is necessary to have a sale confirmed or upon the creditor in cases of debt due to a mortgage creditor, and the like. The other copy or one of the two copies of the duplicate or triplicate chalans shall be retained by the accountant, of which one copy shall be filed with the record of the case to which the person paying the money is a party, and the other copy, in the case of receipts under the sub-heads (i) and (ii) of head (A) of rule 640 sent to the treasury with the pass book.

*Note.* 1.—For payment into the treasury the order on the Officer-in-Charge of the treasury in the lower portion of part II of the chalan form [Form No. (A) I] should be signed by the Judge-in-Charge.

*Note* 2.—For payment to the cashier of the Court, the above order in the chalan form need not be signed by the Judge-in-Charge but instead of it, the certificate in the lower portion of part III of the form should be signed by him.

*Note* 3.—At subdivisions and out-stations, the Judge-in-charge may, with the previous sanction of the District Judge, delegate to the chief ministerial officer of his Court the duty of passing chalans, but he will not thereby be relieved of his responsibility.

659. No person is required to take out a chalan till he is actually ready to pay in the money for which he takes it, but a chalan, once having been taken out, must be presented without delay. The order to the treasury officer must therefore be limited in its operation to the day upon which the chalan is made over to the applicant, or, if the transaction occurs after the accounts are closed (rule 650), to the next open day. This is distinctly provided for in the form of order. In case of failure to tender the money at the treasury within the time limited, the Judge-in-Charge may extend the time if the cause shown by a written application is considered sufficient.

*Note.*—When a chalan is issued on the treasury it may be acted upon till 3 p. m. of the day following that on which it is issued, if so ordered by the Court. But when the chalan is for the receipt of money at the Court, it should be restricted in its operation to the day of issue (*vide* Accountant-General's No. 452, dated 9th August, 1882).

660. In the case of out-stations, the order to the treasury officer shall be so dated as to allow sufficient time to the payee to reach the treasury, but not more time than is necessary for this purpose shall be granted.

Sub-heads (vi) and (vii) of head (A) and head (C) of rule 640.

661. Receipts under sub-heads (vi) and (vii) of head (A) of rule 640 (searching, copying or comparing fees, sale-proceeds of forms and other receipts and sale proceeds of old stores and materials) when payable in cash, shall be tendered in the first place to the accountant, and noted by him in a special register [Form No. (A)-15]. The accountant shall enter the name of the tenderer, the amount to be paid, and the number and date in the foil and counterfoil of the register, shall then detach the right-hand portion, and make it over to the tenderer for presentation with the money to the cashier.

662. Peremptory receipts under head (C) of rule 640 shall be tendered to the cashier direct without the intervention of the accountant. A chalan is not required for such payments.

#### Receipt of Money by Cashier.

663. The cashier on receiving a chalan in duplicate or triplicate addressed to him under rule 655 or a payment slip issued by the accountant under rule 668,



or a tender of money under rule 662, shall accept the money, and at once enter the amount as a receipt in the appropriate cash book, or peremptory Cash Register (rules 668 and 669) and then sign the chalan or the payment slip.

664. (1) When the chalans have been so en faced by the cashier with his receipt, they shall be passed on to the accountant, and the subsequent procedure laid down in rules 655 to 658 should be followed. This receipt shall be produced in court by the person paying the money, when it is necessary for him to have satisfaction entered upon the record of the case to which he is a party ; or when it is necessary to have a sale confirmed or upon the creditor in cases of debt due to a mortgage-creditor, and the like. Of the two copies of the chalan retained by the cashier, one shall be filed with the record of the case to which the person paying the money is a party.

(2) In the same way, on presentation of the chalan (in triplicate) at treasury, as prescribed above in rule 659, and on payment of the money, the payer shall receive, as an acknowledgment, one of the three chalans signed —by the treasury officer, if the amount be Tk. 500 or more—by the accountant and treasurer, if less than that sum. Of the two copies of the chalan retained by the treasury officer, one copy shall be forwarded to the Judge-in-charge together with the advice lists referred to in rule 699, in order that it may be filed with the record of the case in connection with which the deposit was made.

665. (1) When, under clauses (a) and (b) of rule 644 above, tender is made of money which must, by law, be received, the payment shall be made direct into Court in cash, but only under the express order of the presiding Judge to be recorded in the chalans who shall see that one copy of the chalans duly signed by the cashier and the Judge-in-charge or the accountant in the manner laid down in rules 658, 663 and 664(1) reach him and is filed with the record of the case.

(2) The Sale Account Register [Form No. (A) 28 ] shall be filled up in every case under clauses (a) and (b) of rule 644 by the nazir or other officer holding the sale, and shall be presented by him at the close of the day to the presiding officer of the Court under the orders of which the sale has been held.

*Note.*—The provisions of the Code of Civil Procedure render it necessary that cash should sometimes be received by the nazir even where sales are held at headquarters where there is a treasury. It is, therefore, very important that all Judges should see that the cash so received is duly forwarded to the treasury and credited in account. In cases in which there has been a set off, columns 1, 2 and 3 of the Sale Account Register should be filled in and the words "set off" noted in the column of Remarks.

666. In the case of payment slips the cashier shall countersign the slip, which the applicant is to retain as a voucher, and, when a copy has been applied for, his authority to take delivery of the same when ready.

667. When money is tendered under rule 662, the cashier shall enter the amount in a bound book of receipt forms [Form No. (A) 23] numbered in serial order. Each receipt shall be in duplicate and the office copy shall be prepared simultaneously with the original by means of carbon paper. The original, which shall bear the same serial number as the carbon copy, will be torn off at the perforated line and presented to the payer as his voucher. Each bound book shall contain one hundred forms and before a book is brought into use a book number shall be given in manuscript on the front page of the book and attested with the dated initials of the Judge-in-charge. This number shall also be noted on every page before the number printed on it by machine. In case the foils and counterfoils are not used or are spoiled they shall be cancelled under the dated



initials of the Judge-in-Charge. No copy shall be torn off from the book. The nagir shall also certify on the first page of the book the number of forms it contains. A separate stock book shall be maintained in which the receipts of such books from the press and their issues to the cashier shall be properly accounted for. One book shall be issued to the cashier at a time who shall grant a receipt for it in the stock book. A new book shall be started from the beginning of each financial year, any unused pages of the previous book being marked "cancelled" and signed by the Judge-in-charge. The number of receipt books in stock shall be verified annually by a gazetted officer.

*Note.*—The receipt books and the stock book shall remain with the sheristadar or the accountant as the Judge-in-charge may direct.

### Peremptory Cash Register.

668. To exhibit the peremptory receipts and payments [head (C) of rule 640], for which the cashier is responsible, and of which the accountant keeps no record, the cashier shall maintain a register in Form No. (A) 24 in which such receipts and payments shall be exhibited in the appropriate columns. A balance shall be struck at the close of each day and the total shall be written both in words and figures.

*Note 1.*—Money received for payment of postage should be shown along with other peremptory receipts in the cashier's Peremptory Cash Register. (Accountant-General's No. 101-A., dated 26th April, 1881). As regards postage stamps received see Note to rule 672.

*Note 2.*—At the close of each day the accountant should check the totals of the Peremptory Cash Register, and examine the entries in that book with the counterfoils of the bound book which the cashier has to maintain under rule 667 and with all vouchers, receipts, etc., showing payment or expenditure. He should satisfy himself by such examination that all payments or expenditure are correctly noted against the original items of deposits, and initial the Peremptory Cash Register and each counterfoil and voucher, etc., in token of his having verified and found everything in order. The totals of receipts and expenditure of peremptory cash should be shown in the cash book under rule 669 after such verification by the accountant.

### Cash Book.

669. All receipts by the cashier under the heads (A) and (B) of rule 640 shall be entered by him with the necessary details on the receipt side of the cash book, which shall be maintained in Form No. (A) 25. At the end of each day's transactions, the total of these receipts will be noted below them, and this total should agree with the total amount in Part I of the Register of Chalang maintained by the accountant (see rule 671). Similarly all payments under the head (B) made by the cashier under rule 637 shall also be entered in detail on the payment side of the cash book. When the transactions under any head or sub-head are large, a subsidiary register for such head or sub-head may be opened in which the receipts and payments shall be entered in detail and the daily total from it shall be posted in the cash book. For peremptory receipts under the head (C) and for contingencies, permanent advance, establishment pay, etc., the daily total of the receipts and payments from the Peremptory Cash Register (rule 668), the Contingent Register, etc., shall then be entered below the above entries in the cash book.

*Note 1.*—Being restricted to transactions in actual cash, the General Abstract Cash Book is not to show receipts in the form of court-fee labels, or refunds of the value of these, which under rule 685 are ordinarily payable only at the treasury.

*Note 2.*—But if any refunds are made on account of the value of these stamps out of the cash in the court (and this is allowable only in the cases contemplated in Note 2 to rule 685), they should be included in the cash book like other payments in cash. (Accountant-General's No. 43-T. M., dated 28th April, 1882).

670. A register in form No. (A) 26 shall be maintained by the cashier to show serially the amount of money received by him after cashing bills and cheques from the treasury.

#### Accountant's check on Petty Receipts.

671. At the close of each day, the cashier shall submit to the accountant his cash book, and the accountant shall check the entries of receipts under sub-heads (vi) and (vii) of head (A) of rule 640 with those on the counterfoils of the register mentioned in rule 661. The accountant shall then prepare chalans for the total amount of the receipts under each sub-head and enter them in the first part of the Register of Chalans [Form No. (A) 14] as an amount received in court. The total amount in the first part of the Register of chalans thus completed must agree with the total of the receipts in the cash book under heads (A) and (B).

*Note 1.*—The chalan referred to above should be signed by the cashier. (Accountant-General's No. T. M. 503, dated 9th October, 1903).

672. The cashier will then strike a balance in his cash book (to be entered in words as well as in figures). In order that the Judge may see at a glance a statement of all the money in the cashier's possession, details should be entered at the side space of the balance showing the amounts held on each account. The statement may be in the following form :—

	Tk.	Paisa.
General cash balance .. .. .		
Peremptory cash balance .. .. .		
Balance of permanent advance as per contingent register and establishment pay undistributed .. .. .		
Other amounts (which should be explained)		
Receipts after the day's accounts are closed .. .. .		
Less payments after the day's accounts are closed .. .. .		
Total money in cashier's possession ..		

*Note.*—Postage stamps received by way of remittance should not be mixed up with cash receipts. An account should be kept separately in the form of a plus and minus memo., the stamps being added as they are received, and deducted when they are sold or otherwise disposed of, and the balance in hand should be entered daily, as directed above, in the Cash Book.

## 2. PAYMENT OF MONEY.

### Application for payment.

673. (1) Persons desiring to draw money deposited in Court under head (B) of rule 640 and payable to them shall submit to the chief ministerial officer of the Court under whose decree or order the money was tendered, an application in Form No. (A) 2 or, in the case of a rent deposit, in Form No. (A) 3. One copy of such form shall be supplied free of charge. In this form the applicant shall enter all particulars necessary for the identification of the credit. Any number



of deposits made in the same case may be withdrawn on a single application, but the number and date and amount of each deposit must be separately and clearly stated. A separate application must be made for deposits in separate cases.

*Note 1.*—The form of application should not be extended by pasting slips of paper.

*Note 2.*—If the party entitled to the money does not appear in person, the applicant must satisfy the court that he is duly authorised by an instrument in writing to draw the money for the person so entitled.

*Note 3.*—The applicant must comply strictly with the terms of the order under which the money is claimed. Thus one of a number of joint decree holders cannot be allowed to take out what he calls his share in the decretal amount; they must all join in the application unless there has been an order for distribution.

This note is not intended to prohibit the payment of the entire amount of deposit to one of a number of joint decree-holders or to one of joint land-holders on the certificate of the Court under whose orders the money was received, that the amount is payable to him for himself and for all the others, whose names should be mentioned. What is intended to be barred is the payment of this amount in instalments to the several decree-holders separately, unless there has been an order for distribution. (Accountant-General's No. 45-T. M. dated 28th April, 1882).

(2) In cases in which court-fee stamps are purchased by the nazir from deposits, the final order for the payment of such deposits must contain a direction to the treasury officer to pay the amount in stamps to the nazir of the Judge, to whose credit it was deposited, and to transfer the amount of deposit to stamp revenue.

*Note 1.*—A duplicate of the application need not be filed with the record. All that is necessary is that, before passing on the application to the accountant, the chief ministerial officer shall note the order for the payment on the records of the case, so that a second claim for the amount may not be passed. (Accountant-General's No. 93, dated 3rd July, 1883).

*Note 2.*—This rule should not be held to apply to outlying munsifs, at places where there is no treasury. In such cases the Munsifs should purchase stamps from local stamp-vendors for cash, out of the deposit money in their hands.

(3) The chief ministerial officer of each court shall maintain a register in Form No. (R) 38 with the object of checking the prompt disposal of the applications referred to in clause (1) of this rule. Columns 1 to 5 of this register shall be filled in as soon as an application is received, and every subsequent step in dealing with it under rules 675 and 676 shall be recorded in the remaining columns. All applications should ordinarily be disposed of and payment orders made over to the applicants as soon as possible but not later than seven days from the date of their filing in court. The chief ministerial officer of the Court should daily make a list of payment orders sent to the accountant from column 13 of the register and forward it to him for noting the dates of issue of the application from the Accounts Department. This list shall be returned by the accountant within two days of its receipt and from it the dates of making over the payment orders to the applicants shall be noted in column 15 of the register.

*Note.*—Applications for payment order shall be dealt with in their chronological order, unless otherwise directed by the Court.

#### Audit of Application.

674. The chief ministerial officer shall compare the application with the record of the case, and carefully test the validity of the claim. If he finds that the name of the payee has been correctly given, and that there is no objection to the payment of the money on the ground of attachment or otherwise recorded under rule 677, he shall make enquiry as to the identity of the applicant, and, if satisfied



of such identity shall sign the certificate at the foot of Part I of the application, and after obtaining the signature of the presiding officer to it, pass on the application so signed to the accountant, of the court or group of courts. Such accountant shall compare the contents of the application with the Register of Deposit Receipts and shall satisfy himself that the amount as shown has been received and is still unpaid, that the name of the claimant corresponds with the name of the payee entered in the register, and that no order for the attachment of the money has been recorded under rule 684 and is in force. If the deposit has been transferred to the Clearance Register (rules 726 and 727), such Clearance Register shall be deemed to be the Register of Deposit Receipts within the meaning of this rule and rules 679 to 682.

*Note 1.*—The chief ministerial officer will enter in the order sheet of the record of the case a note that payment order has been issued, so that a second claim for the amount may not be passed. This note should be signed by that officer and also by the presiding Judge.

*Note 2.*—In dealing with an application for payment order in connection with an item of "Peremptory Cash" which has been transferred to "Civil Deposit", the payee's bill filed in and sanctioned by the court concerned, which is subsequently filed by the claimant or otherwise passed on to the Judge-in-charge, shall be forwarded by the Cashier along with the application to the Accountant who shall satisfy himself that the claimant is the actual payee and that the number of the item sought to be withdrawn and quoted in the application for payment order tallies with that recorded in the Deposit Register and is still unexpended. The Accountant shall also, at the time of every payment from the deposit, note down in column 5 of the Deposit Register against the item just going to be repaid the date and amount of each payment, in addition to the note of payment in the outer columns for recording particulars of repayment.

675. If the record of the case has been despatched to the District Record Room under the orders of the Supreme Court (High Court Division) relating to the periodical despatch of records by subordinate Judicial officers (rule 413) the presiding officer of the court to which the application is made, shall forward it to the District Judge, whose record-keeper will certify, under countersignature of that officer, that a specified sum of money is due to the applicant, and that no order for the attachment of the money has been recorded under rule 677. On receipt of such certificate, the chief ministerial officer of the subordinate court shall make enquiry as to the identity of the applicant, and, if satisfied of such identity, shall sign the certificate at the foot of Part I of the application and further deal with it in the manner prescribed by rule 674.

*Note 1.*—The application with the certificate shall be sent back by the record-keeper to the Court from which it was received with as little delay as possible but not later than a week from the date of its receipt. It should be particularly impressed upon the record-keeper and his staff that applications must not be returned without the certificate on frivolous or flimsy grounds. If the particulars given are sufficient to identify a record or if there are means of finding out the record, it must be traced even though the description given by the applicant may in some respects be inaccurate. If an application is so defective that it cannot be dealt with under this rule, it shall be promptly returned with a note giving definite information regarding the particular defect or error.

*Note 2.*—The record-keeper will enter in the order sheet of the record of the case, a note that payment order has been issued, so that a second claim for the amount may not be passed. This note should be signed by that officer and also by the District Judge, or by such judicial officer at headquarters as the District Judge may appoint for the performance of this duty.

*Note 3.*—see rule 616, regarding the postage for such documents.

*Note 4.*—If the amount certified by the record-keeper of the District Record-Room does not agree with the amount stated in the application, the chief ministerial officer of the subordinate court should require the applicant, if satisfied with his identity, to submit an amended application on which the payment order may be issued.

*Note 5.*—For the purpose of this rule the term "record-keeper" includes the ministerial officer who may be placed by the District Judge-in-charge of the record room in an outlying station, where there is any (see Note to rule 421).

676. Where the record connected with an application for payment order has been destroyed under the rules, the Court may, in order to satisfy itself that



amount is due, require the applicant to file an affidavit in support of his application.

*Note.*—The application for payment order and the papers filed there with under the above rule shall be preserved in the court's office for one year from the date of the passing of the payment order.

677. An order of attachment passed by any Court on the money in deposit in a case in the same court or in another court, shall, on communication, be forthwith recorded on the order-sheet of the case or proceeding concerned under the signature of the presiding Judge of that Court and also against the corresponding entry in the Register of Deposit Receipts under the signature of the Judge-in-charge. If the record of the case has been despatched to the District Record-Room, intimation of the attachment shall be forthwith sent to the Judge in-charge of the District Record-Room. The Judge-in-charge shall thereupon cause such information to be noted in the order-sheet of the case under the signature of the record-keeper and under his countersignature.

*Note.*—If intimation is subsequently received of the failure or with drawal of the attachment, the same procedure should be followed in recording the fact on the order-sheet of the case concerned and the Register of Deposit Receipts.

678. If the application for payment is found to be incorrect or defective, the accountant shall note the error or defect, and return it, with as little delay as possible, to the applicant for correction by him, or for reference by the applicant to the court.

#### Payment Orders and Registry.

679. If the application is found to be correct, and the deposit has not lapsed, the accountant shall fill up the second part of the application form, post the transaction in the Register of Payment Orders [Form No. (A) 16], number it with its proper index number, and make the requisite entry in the Register of Deposit Receipts. Finally, the application, with the Register of Payment Orders, and the Register of Deposit Receipts, shall be laid before the Judge-in-charge.

#### Approval by Judge-in-Charge.

680. Before passing the application for payment, the Judge-in-charge shall satisfy himself, in the first instance, that the requirements of rule 674 have been complied with. He shall further satisfy himself, by personal inspection of his Register of Deposits, that the balance at credit of the particular deposit is sufficient to meet the repayment, and that no order for the attachment of the money has been noted. If the result of his scrutiny is satisfactory, he may sign the order for payment of the amount either from the local treasury or from his Court, as prescribed above in rules 644 to 647 and shall attest with his initials the note of the order of repayment made in the Register of Deposit Receipts. He shall also initial the entries in the Register of Payment Orders [Form No. (A) 16]. The payment order shall then be made over to the applicant, after obtaining his dated signature in the remarks column of the Register of Payment Orders, for presentation to the cashier if the money is to be paid in Court, or to the treasury officer, if it is to be paid by such officer.

*Note 1.*—When signing payment orders, the Judge-in-charge should see that undue delay has not been made by the Chief Ministerial officer or the accountant in dealing with the application, or that preference has not been given to applicants of later dates. [see also rule 673(3)].

*Note 2.*—Deposits in favour of an estate under the management of the Court of Wards should be paid not in cash from the Court, but at the treasury by transfer to the credit of the personal ledger account maintained there for the estate concerned. The payment order should,



therefore, be addressed to the treasury officer and should authorise him to "pay as above by transfer credit to the personal ledger account of Wards estate . . . . . " or (if the personal ledger account of the estate is maintained at a treasury other than that from which the repayment of the deposit is made, in which case a money order form, duly filled in in favour of the treasury officer who keeps the account for the amount less money order commission, must accompany the application) to "pay as above by transfer credit to post office in order that the amount may be remitted, less money order commission, to the treasury officer, . . . . . ) for credit to the personal ledger account of Wards estate . . . . . "

681. When the money sought to be withdrawn is in deposit, not in the court to which the application is made, but in another Court,—as for example, where two or more courts at one station are combined for the purposes of accounts,—in every such case the duty of the court to which the application is made shall be merely to receive such application and forward it to the court which holds the deposit, for examining the record of the case and furnishing a certificate as provided in rule 674, that the applicant is the proper party to receive payment of the amount claimed. In any case in which the amount has been transferred from the credit of the original payee to that of the claimant this fact should be stated. This certificate shall be compared with the Deposit Register in the office of the Judge-in-charge. Such register, if the sum is shown therein to be in deposit, will inform the Judge whether there is any bar to payment. If there is no such bar, the payment order may be issued by the Judge-in-charge, and the fact of its issue shall be communicated to the Court upon whose certificate the application was passed, in order to enable it to enter satisfaction for the amount upon the record of the case.

*Note 1.*—The certificate should be given on the payment order, that is to say, in the tripartite Form No. (A) 2, Vol. II, at foot of Part I, in the place intended for it and the Note to rule 674 observed; and in recording the payments in the Register of Repayments, particulars may be entered as to the court under whose orders the payments have been made. (Accountant-General's No. 331-T. B., dated 5th September, 1881, read with his No. 42-T. M., dated 28th April, 1882.)

*Note 2.*—When money realised under the decree of one court is attached at the instance of another court, the application for payment should be made to the court attaching the money. Such Court, after receiving the application, should forward it to the court which holds the money, and if there be no objection to the payment of the money to the applicant, the latter Court should deal with it under this rule, or, if the record of the case has been despatched to the District Record-Room, under rule 675. The Court so dealing with the application should also report to the attaching Court, or if the application has been dealt with under rule 675, also the District Court, that the amount claimed has been transferred from the credit of the original payee to that of the claimant.

*Note 3.*—When monies in different cases realised under the decrees of one Court, are attached at the instance of another Court in a single case, in case of the withdrawals of the amounts so attached, separate applications should be made.

#### Lapse of Order.

682. (1) An order for payment from the local treasury is valid for ten days only, and may not be cashed after the expiry of ten clear days subsequent to the date thereof. An order which has not been paid within ten days as aforesaid may be presented to the Court which issued it, and such court may re-enface thereupon a new payment order, which shall remain valid for ten clear days immediately after the date thereof. When the last day of any such period of ten days is a day on which the treasury is closed, the order may be cashed on the day on which such treasury re-opens.

*Note.*—An order for payment of money at the Court should be restricted in its operation to the day of issue. And when money is to be paid immediately, the order of payment should be issued on the cashier of the Court (*vide* Accountant-General's No. 452, dated 9th August, 1882).



(2) All orders as aforesaid should be included in a "Daily Advice List" in Form No. (A) 8 to be issued by the court making the order to the local treasury where the cheque is to be paid. The certificates for refund of the value of court fee stamps should also be entered in this list (*vide* rule 685 post).

(3) When the treasury accounts are closed on the 30th day of June in each year, every order for payment issued on or before that date shall lapse absolutely; and treasury officers are forbidden to cash after the 30th June orders issued on or before that date. An order which has lapsed under this clause cannot be renewed, but a new order may be obtained upon delivering up the old order and making a fresh application under rule 673.

*Note.*—Judges should warn persons who apply for orders at the end of June of the effect of this rule, and tell them to wait till July 1st unless they mean to cash immediately any order that they may obtain.

(4) Immediately after the 30th day of June in each year, the Judge-in-charge shall ascertain what payment orders issued on or before that date are still uncashed and shall mark them off under his initial in the Registers (1) of payment Orders, and (2) of Deposit Receipts as "cancelled under rule 682 (3)".

#### Lapsed Deposits.

683. When an application is made to draw money at credit under a deposit which has lapsed under rule 733, but the payment of which is otherwise unobjectionable, the accountant shall prepare a special form of application [Form No. (A) 4] which, when passed by the Judge-in-charge after the examination prescribed by Rule 680 shall be dealt with under rule 736.

#### Refunds under Head (A) of Rule 647.

684. When an application is made for the refund of a fine or a miscellaneous receipt a receipt under head (A), rule 640, the payment order shall be prepared by the accountant in Form No. (A) 5 after checking the application by a reference to the Fine Register or Register of Judicial Deposits (other than civil deposits and peremptory receipts) (rule 739); and the Judge-in-charge at the time of passing the refund order, shall note the repayment against the entry of the receipt in such register. The payment order shall also be noted in the Register of Payment Orders [Form No. (A) 16] and initialled by the Judge-in-charge. No refund should be made from the receipts on account of sale-proceeds of old stores and materials.

*Note 1.*—As regards stamp duty and penalties, *see* rule 742. While they may be realised in court, it will be observed that under sec. 39 of the Stamp Act, they can be refunded only by the Collector. Form No. (A) 5 should be used for certificates for refund. For refunds of the value of Court-fee stamps, *see* following Rule.

*Note 2.*—Refunds under sub-heads (ii) to (vii) of head (A) of rule 640 can be made only through the treasury.

685. (1) Application for the refund of the value of court-fee stamps is to be made to the chief ministerial officer, who shall compare the application with the record, and if he finds that a refund is due, shall draft a certificate of refund on the back of the paper to which the court-fee stamps are affixed. The papers shall then be passed on to the accountant, who shall prepare a certificate in Form No. (A) 6 and shall enter the particulars in the Register of Payment Orders [Form No. (A) 16]. The application with the other papers and the register shall then be laid before the judicial officer, who, if satisfied that the proceedings are in order, may sign the certificate of refund on the back of the stamped paper and the certificate in Form No. (A) 6 and initial the entry in the register. The certificate in Form No. (A) 6 shall then be made over to the applicant for presentation at the treasury.



(2) If the record has been despatched to the District Record-Room, the application for refund shall be forwarded by the presiding officer to the District Judge and it shall be dealt with by the record-keeper in the same way as the chief ministerial officer of the court.

*Note 1.*—Entries in the Register of payment Order [Form No. (A) 16] in the case of refunds of the value of court-fee stamps must be made in red ink.

*Note 2.*—In outlying stations where there is no treasury, the certificate granted by the Court in Form No. (A) 6 shall be presented to the cashier of the court if the amount for refund does not exceed Tk. 10 and the cashier shall make the refund out of the permanent advance recouping the amount so refunded by presenting a bill to the treasury accompanied by the certificates granted by the court. Such payments by the cashier should be charged in the Cash Book (see Note 2 to rule 669).

*Note 3.*—When court-fees realised in stamps (e.g., process fees, custody fees, costs of transmission of records, etc.), have not been spent or processes, etc., have not issued, the court may, on the application of the party concerned, and if it is satisfied that the application may be granted, issue a certificate in Form No. (A) 6 certifying that the party is entitled to a refund of the unspent fees, and the party may present the said certificate to the Revenue authorities in accordance with Rule 35A of the Bengal Stamp Manual.

*Note 4.*—Applications for the refund of the value of court-fee stamps on account of unspent process fees, etc., need not be stamped [vide section 19 (XX), Court-fees Act].

*Note 5.*—In any exceptional case in which the paper to which the court-fee stamps are affixed has been destroyed under the rules for the destruction of records (see rule 474), the court concerned should, before issuing a certificate for refund in Form No. (A) 6, satisfy itself that the amount claimed is due and record the proceeding on the application for refund, which may be filed.

*Note 6.*—The procedure laid down in this rule is for the refund of the value of court-fee stamps when application for such refund is made to a court which keeps its own accounts (see rule 681). (Accountant-General's No. 324, dated the 16th June, 1881.)

Where there are two or more civil courts at one station, the Judge-in-charge, *i. e.*, the officer in whose Court the combined accounts of all the courts at the station are kept, should sign the certificate of refund (Accountant-General's No. 155-A, dated 30th April, 1881) and initial the Register of Payment Orders.

*Note 7.*—A list of the certificates for refund of the value of court-fee stamps issued under this rule should be prepared in Form (A) 8, Civil Rules and Orders, and promptly sent to the treasury [vide rule 682(2) *ante*].

686. In so far as the accounts system is concerned, it is invariably necessary to trace each item of payment under the Court's orders back to its corresponding item of receipt; in other words, to connect each item of a court's debit in the treasury with the corresponding item of credit, however far in time the two may be separated from each other. Accordingly the Court must take care to furnish itself and the treasury with the necessary particulars for this purpose.

#### Payments by Cashier.

687. (1) In the case of payment orders directed to the cashier, the payment must be entered by the cashier in the cash book, the payment order being retained by the cashier as his voucher.

(2) All repayments from peremptory receipts shall be made by the cashier only on production of a certificate of the Court which directed the amount to be received on an application made for the purpose, that the repayment sought should be made to the claimant. This certificate is to be retained by the cashier as his voucher and preserved for five years.

*Note 1.*—The cashier should cancel the vouchers, as soon as he pays them, by writing on the face "Paid" with his initials. A "Paid" stamp should not be used, as that indicates the subsequent discharge at the treasury.



*Note 2.*—Payment of civil Court deposits out of miscellaneous receipts due to Government when receipts on account of Civil Court deposits in hand fall short of the amount passed for payment is not permissible under T. O. 7. At outlying stations when it is inconvenient for a claimant to proceed to the treasury to obtain repayment of a deposit the Judge-in-charge of the accounts may pay him in cash, provided there are in the Court funds sufficient whether of current deposit receipts or of the office permanent advance (*vide* rule 1 to Art 215, C. A., Code, Vol. I and rule 649 *ante*).

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## ACCOUNT-KEEPING, REMITTANCE AND DEPOSIT REGISTERS

## 1. ACCOUNT-KEEPING.

## Courts near Treasuries.

688. In Courts situated within daily reach of a treasury, the accountant shall, after the close of business each day, make the proper entries in the Treasury pass book [Form No. (A) 17], showing in detail the sums received from and paid to the public in cash. The receipts shall be entered on the right-hand side, and are to consist of the sums entered in column 5 of the first part of the Register of Chalans [Form No. (A) 14] headed "Amount received in Court". The payments shall be entered on the left-hand side, and are to consist of the sums shown in column 5 of the Register of Payment Orders [Form No. (A) 16] headed "Amount cashed in Court".

*Note.*—The remittance to the treasury at the close of each day, as well as each payment to the public, must be entered in column 3 of the form of pass-book No. (A) 17. To facilitate the calculation of the amount to be remitted to the treasury at the close of each day's business, two lines are provided in the form, one to show the total of receipts and payments at the court, and the other, the total for the day according to the receipt and payment sides. The receipts and payments at the court being first entered and added up, the difference between the total of receipts and that of payments will, if the receipts exceed the payments, be entered on the left side as remittance to the treasury, or if the payments exceed the receipts on the right side as remittance from the treasury. The total for the day will then be made up for both sides which will agree together. The number of the chalan or payment order, on the back of which the amount to be remitted to, or received from, the treasury is noted (*see* note to rule 699) may be shown against the entry made below the total of payments or receipt, but the head of account need not be noted in the pass-book against the entries, nor need the entries be initialled by the treasury officer.

689. Every chalan recorded in the first part of the Register of Chalans and every payment order for money received or paid at Court under heads (A) and (B) of rule 640 shall be shown in detail in the pass book, and the head of account shall be noted against each, so as to enable the treasury officer to bring the transactions in detail upon his books and classify them correctly.

*Note.*—It is necessary to show in the pass-book the totals only of each chalan and payment order. Each chalan may contain any number of items, provided they belong to the same head of account.

## Examination by Judge-in-Charge.

690. The Judge-in-charge shall examine the accounts by comparing (1) the registers of Chalans and Payment Orders (amounts received and paid in Court) with the cashier's Cash-Book; (2) the Treasury pass-book, with both; and (3) the balances shown in the peremptory Cash-Register, with those shown in the general abstract cash book. He shall also verify daily the balance in the hands of the cashier, and see that it agrees with the balances shown in the cash-books.

## 2. REMITTANCES.

## Daily Remittances.

691. (1) The balance of the cashier's account in respect of peremptory receipts should be observed every day in passing the cash-book. To prevent excessive accumulation under this head, the Judge-in-charge shall fix the maximum amount that may be allowed to remain in the hands of the cashier on account of peremptory receipts in consideration of the requirements of the station and the



amount of security furnished. Whenever, the balance shown in the Peremptory Cash Register exceeds the maximum so fixed, the Judge-in-charge shall cause the excess to be transferred to civil deposit. The oldest item or items not likely to be soon repaid should be transferred to civil deposit when transfers are thus effected. Amounts so transferred shall be treated in the same manner as money received in Court, and the date, number of chalan and the total number transferred shall be entered in the cashier's cash-book both on the credit and the debit sides, details of such transactions being also entered on the credit side of the Peremptory Cash Register. A single chalan in Form No. (A) 1, shall be prepared under rule 678 by the accountant and signed by the cashier for the sum so transferred specifying in detail on the back of the chalan the items, numbers and amounts of the individual receipts of which the sum transferred is composed and the individual items noted by the accountant in the Register of Deposit Receipts, item by item, to facilitate check at the time of repayment of deposits. Columns 1, 2 and 3 of Part I of chalan will be left blank; in column 4 will be entered "peremptory cash as detailed on the reverse" and in column 6 will be entered the number of each item in the Peremptory Cash Register. Similar entries will be made in columns 3 and 4 of Register No. (A) 14—Chalan Register—and in columns 4 and 5 of Register No. (A) 18(i) or 18(ii) as the case may be. Should the money be subsequently claimed, it shall be paid to the claimant according to the procedure prescribed for the payment of deposits, the certificate on the payment order required under rule 674 being given by the cashier after reference to the Peremptory Cash Register where the payment order should be noted and the entry signed by the Judge-in-charge. If such sums remain in deposit for three years they must be carried to credit of Government under rule 733 relating to lapsed deposits. For payment of any item of peremptory receipts from lapsed deposits the procedure laid down in rules 736 to 738 should be followed.

(2) The total of the peremptory cash in the hands of the cashier should always agree with the total of all the items of peremptory receipts appearing in the Peremptory Cash Register as neither paid or refunded nor transferred to civil deposit. In order to exercise an effective check over this a list of undisbursed amounts shall be prepared half-yearly and verified with the actual cash balance in the hands of the cashier. If at any time the totals are found to disagree, the Judge-in-charge should forthwith make an investigation and get the discrepancy reconciled. The Judge-in-charge shall certify that the total of the list tallies with the actual cash balance.

*Note 1.*—All unpaid amounts of peremptory receipts which were received during the financial year preceding the year which has ended, shall on the 1st July be transferred to civil deposit in the manner prescribed in this rule.

*Note 2.*—If for any special reason, e.g., on a sale day, the amount of cash balance in the cashier's hand exceeds Tk. 5,000 in the district headquarters and Tk. 2,500 in other stations, special arrangements should be made for guarding the cashier's strong-room.

*Note 3.*—Applications for payment orders for refund of a unspent amount's in the peremptory cash transferred to civil deposit need not be stamped with any court-fee.

692. (1) Having initialled the accounts of the day and signed the cash-book, the Judge-in-charge shall send the pass book to the treasury (or to a branch bank, *vide* note 2 to rule 696) together with the net amount in cash, and a single chalan for the total receipts under Civil Court deposits, and separate chalans for receipts falling under the sub-heads (i) and (ii) and consolidated chalans for the receipts under each of the sub-heads (iii) to (vii) of head (A) in rule 640, as well as all payment orders. This remittance must be entered in the cash-book as a payment of the day on which it is made. Separate chalans received from parties in respect of deposit receipts and receipts under the sub-heads (i) and (ii) of head (A) should be retained in the Court,



(2) It is important that this be done before the business of the new day commences, and the cashier should have in hand, after each such remittance, only the balance of the peremptory cash transactions and the other balances referred to in rule 67E.

*Note.*—The total of chalang of the day for money received in cash by the court, minus the total of payment orders cashed, at the court, will represent the balance of cash to be remitted to the treasury. The amount so remitted will be noted on the back of the last chalan entered in the pass-book [Form No. (A) 17], in order to avoid the separate chalan which otherwise would be required by the treasury officer.

#### Courts not near Treasuries.

693. At out-stations, the cash-book shall be balanced as prescribed above and the balances, both that of the receipts and payments under heads (A) and (B) and that of peremptory transactions, shall be carried forward to the next day's account. The accounts shall be balanced, compared, and signed everyday in the manner prescribed in rule 690, save that instead of comparing the Treasury pass-book with the accounts, the Judge-in-charge shall see that the Court balances are brought forward, and shall, ascertain that the money is actually in possession of the cashier.

#### Periodical Remittances.

694. On the day fixed by the District Judge for closing the accounts of the month (*see* rule 703), and from time to time as occasion may arise (*see*, rule 648) the Treasury pass book shall be made up, showing all receipts and payments at the court since the last remittance to the treasury (or to a branch bank, *vide* note 2 to rule 696). Its accuracy having been tested, it shall be forwarded to the treasury with a single chalan for the total receipts under civil court deposits and separate chalang for receipts falling under the sub-heads (i) and (ii) and consolidated chalang for receipts under each of the sub-heads (iii) to (vii) of head (A) in rule 640, as well as all payment orders. If the receipts have exceeded the payments, the cash excess shall be sent to the treasury; if the contrary, the cash deficit shall be received from the treasury; in either case the cashier will have, after the completion of the transaction, in addition to the balance of peremptory cash transactions, only the permanent advance allowed to the court for carrying on its payments at a distance from the treasury.

*Note.*—As the treasury does not keep a detail record of the deposit receipts, it will suffice if the gross receipts are communicated to it with a single chalan and the separate receipts received from the parties are retained in the court.

#### Adjustment with Treasury.

695. The last day for remittance in each month must be so fixed that the final payment or receipt of money at the treasury may come within the month's accounts at the treasury or sub-treasury (*see* rule 708), as otherwise the monthly accounts of the Judge-in-charge and those of the treasury will not agree. Any transactions at the court after this remittance is made, although shown under their proper dates, should be treated as if they belonged to the ensuing month's accounts registers and returns.

#### Rules regarding Remittances.

696. It is the duty of the Judge-in-charge to see that money remitted from his court actually reaches the treasury, and is acknowledged by the treasury officer in the pass-book when the sum remitted is not less than Tk. 500, and by the treasury accountant and the treasurer when it is less than Tk. 500.

*Note 1.*—The total of the remittance to the treasury should be written in words in the pass-book by the treasury accountant and shall be signed by the treasury officer or the treasury-accountant



and the treasurer as the case may be. The total amount should not be written in words in the office of the Civil Court.

*Note 2.*—Where the court remits to a branch bank direct, the agent of the branch bank should acknowledge the receipt of the remittance in the pass-book.

*Note 3.*—When the cash balance of any out-station is remitted to the treasury at the end of the month by money-order in accordance with note 3 to Rule 648 *ante*, the pass-book together with the postal acknowledgement receipt should be sent to the treasury in the same way as is done in the case of other remittances.

697. In making such remittances, the Police Rules as to sending an escort with the money must be duly observed.

*Note.*—In the case of munsifs which are at the headquarters of districts or subdivisions, the Civil Court peons should be employed to take charge of remittances to the local treasury. In the case of munsifs situated in the interior of districts and subdivisions, remittances should be made under police custody, when the amount to be remitted exceeds Tk. 100.

698. During the absence on tour of Subdivisional Officers, and the consequent closing of their treasuries, Munsifs must be guided by the preceding rules applicable to officers at stations where there are no treasuries, and must make remittances of surplus cash, if necessary, to the district treasury. They will take advantage of the periodical return of Subdivisional officers to headquarters to reduce the cash balances in their hands as much as possible, due regard being had to their probable requirements.

#### Treasury Advice List.

699. At the close of business each day, the treasury officer, whether sadar or subdivisional, shall prepare Advice Lists, in Form No. (A) 9, of all such chalans and payment orders of each Judge-in-charge as have been brought upon the treasury accounts in the course of the day, and shall forward them to such Judges-in-charge respectively together with the chalans referred to in clause (2) of rule 664. In these lists shall be entered in detail such chalans and payment orders as have been received or paid at the treasury or sub-treasury in cash while those brought into the treasury account from the pass-book (rule 692) shall be included in a single total on each side, with the description "as per your pass-book dated".

*Note 1.*—The despatch of daily Advice List from the treasury should be insisted upon by the Judge-in-charge and any delay in the matter of non-observance of this rule should be promptly brought to the notice of the authorities.

*Note 2.*—If the Court is close to the treasury, so that the Judge's registers referred to in rule 701 can be sent daily to be compared and initialled by the treasury officer, this procedure may be adopted in lieu of the daily Advice List, if found more convenient.

700. The list prepared at the sadar treasury for the District Judge shall include, besides the moneys received and paid on account of the Judge's own court, those transactions also which belong to his subordinate Courts. These amounts, however, need not be entered in detail but may be included in a single total of receipts and of payments for each Court, including pass-book transactions brought into account.

#### Comparison by Judge.

701. On receipt of this Advice List, the Judge-in-charge shall cause the particulars of the chalans and payment order shown in it to be compared with the details recorded in his Registers of Chalans and Payment Orders [Form No. (A) 14 and No. (A) 16], and shall further cause the date of actual credit and payment, as certified by the treasury officer, to be entered in the column prescribed for that purpose.



702. These entries must be initialled by the Judge-in-charge when he checks the posting in the Deposit Registers, as prescribed in rule 704.

### 3. DEPOSIT REGISTERS.

#### Separation of Petty Deposits.

703. Two Registers of Deposit Receipts shall be kept in Forms No. (A) 18 (i), (A) 18(ii), and two of deposit repayments in Forms No. (A) 19(i), (A) 19(ii). One of these shall be termed the Register of A Deposits, and there shall be entered therein all deposits originally exceeding Tk. 5. The other shall be termed the Register of B Deposits, and there shall be entered therein all deposits not originally exceeding Tk. 5. Both registers shall be kept in the same form and shall be posted in the same manner, but with separate series of numbers (*see next rule*), distinguished by the initial letters A and B, respectively.

#### Posting

704. On the day on which the Treasury advice list is received (rule 699), the Deposit Register shall be posted, transactions at the treasury shall be written up from the advice list below the entries made under rule 655 on the date on which the advice list is received. The date of payment into the treasury and also the date of posting the transaction shall be entered in the Deposit Register. The entries in the advice list shall be compared with those in Registers Nos. (A) 14 and (A) 16.

*Note.*—The date of granting the payment order should be entered on the repayment columns in the Register of Deposit Receipts, and the date of actual payment in column 4 of the Registers of Deposits Repaid.

#### Register of Receipts.

705. All items of deposit in these registers must as directed above, be numbered in an annual consecutive series of numbers commencing on 1st July and ending with the last day of June in each official year. Only the first eight columns shall be filled in at first, the other columns being intended for the record of subsequent repayments.

#### Notes of Claims, etc.

706. As it is important that the Deposit Registers in the accountant's department should set forth in respect of each item all information necessary in order to deal at once with applications to draw money, all attachment, processes, and transfer orders relating to decrees, and all orders as to the substitution of parties which affect decretal and other moneys in deposit shall be noted at the time in the Deposit Register. The sheristadar, or some other specified subordinate under his supervision, shall be made responsible for this duty.

*Note 1.*—It will be the duty of the clerk-in-charge of the record containing the order regarding attachment, transfer, substitution, etc., to send it to the accountant as soon as possible after he receives it, for being noted in the Deposit Registers. But this does not relieve the sheristadar of the responsibility for seeing that the duty has been performed.

*Note 2.*—Whether the sheristadar's responsibility is or is not to end with the communication to the accountant or accountant's Muharrir is a matter left to the discretion of each court, but some specific order should be recorded.

#### Registers of Repayments.

707. The Registers of deposit repayments [Forms No. (A) 19(i) and (A) 19(ii)] shall be posted from the Treasury Advice List and the Payment Order Registers, as directed above.



## Closing for the Month.

703. (1) The Registers of deposit receipts and deposit repayments in courts at a sadar station shall be totalled and closed on the last day of each month upon which the sadar treasury remains open, and in subdivisional stations on the day on which the accounts of the subdivisional treasury are finally closed for the month, in such a way that the period and the transactions included in the Court's books and returns may correspond exactly with those included in the treasury books and returns. At outlying stations at which there is no sub-treasury, the Register of Deposit Receipts shall be closed on such date as may be fixed by the District Judge so that the monthly statements may reach his office before his accounts are closed for the month.

(2) Care must be taken to make the final remittance to the treasury in such time that it may be entered in the accounts of the treasury for the month to which it belongs.

(3) In each of the Registers of Deposit receipts prescribed by rule 703, a plus and minus memorandum must be drawn up at the end of the month's entries in the following form :—

Balance of deposits from last month	..	
Received during the month, as per register	..	
	Total	...
Repayment, as per register	..	..
Balance of Deposits at end of month	..	..