

## CHAPTER-XIII

### Copies

**1. Right of appearing party to obtain copy.**-A plaintiff or a defendant who has appeared at any stage <sup>1</sup>[is entitled] to obtain a copy of the record of the suit, including exhibits which have been put in and finally accepted by the Court as evidence.

**2. Copy allowable to stranger after decree.**-A stranger to a suit may, after decree, obtain a copy of the plaint <sup>2</sup>[.] written statements, affidavits, and petitions filed in the suit, and may, for sufficient reasons shown to the satisfaction of the Registrar, obtain <sup>3</sup>[\*\*\*] a copy of any such document before decree.

**3. Copy of judgment etc. to stranger.**-A stranger to a suit may also obtain a copy of any judgment, decree, or order at any time after it has been passed or made.

**4. No copy of exhibits to stranger without party's consent.**-A stranger to a suit has no right to obtain a copy of exhibits admitted in evidence, 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 *bonafide* use in Courts and case-maps, at any time after they have been proved.

**5. Advocate's right to obtain copy.**-Every Advocate engaged in any case shall be entitled to obtain from the Court's office a copy of the whole or any part of the proceedings and evidence in the case on depositing the estimated cost of such copy.

<sup>1</sup> The words "is entitled" were substituted for the expression "of the suit," by Notification No. 181-G dt. 22-10-2012.

<sup>2</sup> Comma was inserted by Notification *ibid*.

<sup>3</sup> Comma was omitted by Notification *ibid*.

**6. Copy to be certified.**-Every such copy shall be examined and certified as correct <sup>1</sup>[by the concerned Assistant Registrar] before it is issued from the Court.

**<sup>2</sup>[7. Manner of preparing copy.]**-(1) Copies shall be prepared and delivered to an applicant either in sheets of offset paper of 100 gram, or in folios/stamp sheet sold by Government authorities for this purpose.

(2) A person entitled to a certified copy may apply for copies in Form No. 24(Civil), Appendix-I, with all particulars. He shall indicate in the application as to the nature of urgency of the copy and as to the kind of paper to be used i.e. whether in offset paper of 100 gm. legal size or folios.

(3) Where a copy is prepared in offset legal size paper each sheet shall contain not more than 18 lines, and the following vacant space shall be maintained:-

- (i) 2.50" on the top;
- (ii) 2" on the left and 2" on the right margin;
- (iii) 2.50" at the bottom.

(4) Every sheet of folio shall contain the following vacant space:-

- (i) 2.50"/or the Government mark of the stamp;
- (ii) 2" on the left and 2" on the right side;
- (iii) 2.50" at the bottom.

(5) The text of computer print of a copy shall ordinarily be 14 pt in font size in case of English and 12pt in case of Bangla. There may be variation in case of capital letters or in case of a Table etc.

(6) Each sheet of a copy shall be initialled by the concerned Assistant Registrar. The last page shall be signed by the person(s) preparing and comparing the copy with their full name and

<sup>1</sup> The words "by the concerned Assistant Registrar" were inserted by Notification No. 181-G dt. 22-10-2012.

<sup>2</sup> Rule 7 was substituted for the original rule 7 by Notification *ibid*.

designation. The last page must contain a certificate with the expression "Certified to be true copy as per section 76, Act I of 1872" or "আইন ১/১৮৭২ এর ৭৬ ধারা অনুযায়ী প্রত্যায়িত অবিকল অনুলিপি" under which the full name and designation of the officer shall be mentioned with space for signature.

(7) The Registrar shall specify the seal and issue necessary instruction from time to time for ensuring security of the seal. The seal shall be kept in personal custody and responsibility of the Assistant Registrar.]

**1[7A. Copy to Subordinate Court etc. under Court's order.-** (1) Where a copy of a judicial decision is required by any Bench to be communicated to a subordinate court or other public authority or to a convict, the following procedure shall be followed.

(2) The concerned Section shall collect the computer copy of the judicial decision in plain/offset paper of legal size with endorsement by the concerned Bench Officer containing his initial on each page and his signature and a seal with his name, designation and date on the last page. Thereafter the concerned Assistant Registrar shall certify the copy as specified in rule 7(6) above and shall forward the copy with forwarding letter with issue No. and date.]

**2[7B. Rates for copies, charge etc.** (1) Subject to rule 38, copies shall ordinarily be prepared in typewritten form, whether by electronic device or otherwise. However, in special circumstance, copies may be prepared by hand writing also.

(2) Copies, whether certified or uncertified, and whether typed or hand written, shall be prepared in Government stamp sheets/folios and the charges for the copies shall be levied at the rates specified in the following Table:

<sup>1</sup> Rule 7A was inserted by Notification No. 181-G dt. 22-10-2012.

<sup>2</sup> Rule 7B was inserted by Notification *ibid*.

TABLE

SL No.	Purposes	Rate per page	Form of payment of charge
1	For every 150 English, or 200 Bangla words or Part thereof.	Tk.2/-	Stamp sheet/folio of Tk.2
2	For additional 150 English or 200 Bangla words, or part thereof	Tk.2/-	Court-fee of Tk.2 (adhesive stamp)
3	Authentication fee for each document	Tk.5/-	Court-fee of Tk.5 (adhesive stamp) to be fixed on the first page.]

**8. Number of words in one page.-**A <sup>1</sup>[page of a copy] shall consist of 150 English words, or 200 <sup>2</sup>[Bangla] words, 3 figures <sup>3</sup>[not being letters] counting as one word.

**9. Searching fees for copy of record in Record Room.-** In addition to the foregoing charges a searching-fee of <sup>4</sup>[Tk.5/-] shall be charged on each application for copy if the record of the case has been deposited in the record room:

Provided that one searching-fee shall be charged for any number of copies taken from the same record and included in the same application.

**10. No searching/examination fee for Government.-** Copies of decrees, judgments or other papers required for <sup>5</sup>[\*\*\*]

<sup>1</sup> The words "page of a copy" were substituted for the word "folio" by Notification No. 181-G dt. 22-10-2012.

<sup>2</sup> The word "Bangla" was substituted for the word "vernacular" by Notification *ibid*.

<sup>3</sup> The words "not being letters" were inserted by Notification *ibid*.

<sup>4</sup> The expression "Tk.5/-" was substituted for the expression "Rs.1" by Notification No. 10259-G. The Bangladesh Gazette (Extraordinary), September 9, 1985.

<sup>5</sup> The word "bonafide" was omitted by Notification No. 181-G dt. 22-10-2012..



Government purposes will be supplied to Government officers on payment of the usual charges for copying, no searching-fee being levied and no charge being made for examination.

**11. Free plain paper copy for Government Officers in criminal cases.**—Copies of judgments convicting Government Officers of criminal offences, as well as copies of judgments of acquittal and orders of discharge, will be supplied on plain paper free of charge on the application of the Head of the Department concerned.

**<sup>1</sup>[12. Copy to press and Law Journals.]**—(1) Copy of any judgment, may be supplied to the Press on formal application being made, after payment of the usual searching-fee and copying charges and under the same conditions and restrictions as those under which copies of judgments are supplied to parties.

(2) The Editors of the Dhaka Law Reports, the Bangladesh Legal Decisions, and such other Law Journals as may be approved by the Registrar from time to time, shall be allowed to take copies of judgments or orders at a flat rate of Tk. 100/- per copy.

(3) On the requisition for a copy by the Editor of such Law Journal after 90 days of the disposal of the case, the Superintendent of the Copying Section shall supply him with a copy of the judgment or order of any case free of charge.]

**13. Court-fee stamp to be affixed to copy.**— In the case of certified copies, the Court-fee chargeable under the Court-fees Act shall be paid by affixing the necessary stamp to the first <sup>2</sup>[page of the copy, or if necessary to the last page].

**14.** [Omitted by Notification No. 181-G dt. 22-10-2012.]

<sup>1</sup> Rule 12 was substituted for the original rule 12 by Notification No. 181-G dt. 22-10-2012.

<sup>2</sup> The expression, "page of the copy, or if necessary to the last page" was substituted for the words "folio of the copy" by Notification *ibid*.

**<sup>1</sup>[15. Urgent copy.]**-(1) When an applicant requires an urgent copy, i.e. copies before the expiry of three days of his application, an extra fee of Tk.10/- for each page shall be charged on all copies so furnished, and the charge shall be collected from him in the form of court-fee stamp which should be affixed to the application for the copy and be entered in the Register for Court-fee stamps.

(2) On receipt of an application for an urgent copy, the Superintendent of the Copying Section shall, after noting the time of the registration of the application, send the same to the Superintendent of the Section concerned or to the Bench Officer concerned, as the case may be, for estimate of the stamp and folios and the Superintendent or the Bench Officer concerned shall make the estimate of stamp and folios within 3 hours of receipt of the requisition from the Superintendent of the Copying Section noting therein the time when the same is sent to the Superintendent of the Copying Section.

(3) Where the Superintendent or the Bench Officer concerned, who is required to make the estimate, fails to furnish the estimate within three hours he shall state in writing the reasons for the delay when returning the requisition.

(4) If the Superintendent of the Copying Section does not get the estimate as required by him he shall report the matter to the concerned Assistant Registrar and the latter shall report the matter to the Deputy Registrar.

(5) On receipt of the estimate, the Superintendent of the Copying Section shall forthwith notify the full estimated costs and if the applicant complies by filing the necessary stamps and folios, the Copying Section shall ordinarily, except in very exceptional cases, supply the copy within 72 hours of the deposit of such estimate.

(6) It shall be the duty of the concerned Assistant Registrar to himself see from time to time and to satisfy himself at short intervals that the rules about supply of urgent copies are being strictly followed and to record a certificate to that effect in the register of applications for copies.]

**16.** [Omitted by Notification No.10259-G, The Bangladesh Gazette (Extraordinary), September 9, 1985.]

<sup>1</sup> Rule 15 was substituted for the original rule 15 by Notification No. 181-G dt. 22-10-2012.

**17. Copy of map, plan etc.-** In the case of maps and plans, the charge shall be fixed by the Assistant Registrar-in-Charge of the Copying Section with reference to the difficulty or intricacy of the work to be done. Two-thirds of the amount will be paid to the mappist and will include the cost of materials; and the remainder will be credited to Government on account of examination fees.

**18. Time for application of copy.-** Ordinary applications for copies shall be made to the Superintendent of the Copying Section on any Court day between the hours of <sup>1</sup>[10 a.m. and 4 p.m]. Applications bearing the <sup>2</sup>[urgent] fee prescribed in rule 15 above may be made at any time during office hours.

**19. Application Form for copy.-** Applications for copies shall be made in the prescribed Form No. 24 (Civil), Appendix 1, copies of which will be supplied at <sup>3</sup>[Tk.4/-] per sheet and <sup>4</sup>[at Tk.30/- per 100 sheets].

**20. Incomplete application.-** On receipt of an application for a copy, the Superintendent of the Copying Section shall inform the applicant 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 <sup>5</sup>[folios/100 gm. offset papers] which will be notified in due course in the manner prescribed by these rules.

**21. Refusal and return of application.-** In the event of an application for a copy being refused an endorsement to that

<sup>1</sup> The expression "10 a.m and 4 p.m" was substituted for the expression "11 a.m and 1 p.m on Saturdays" by Notification No. 181-G dt. 22-10-2012.

<sup>2</sup> The word "urgent" was substituted for the word "expeditious" by Notification *ibid*.

<sup>3</sup> The expression "Tk.4/-" was substituted for the expression "30 paisa" by Notification *ibid*.

<sup>4</sup> The expression "at Tk.30/- per 100 sheets" was substituted for the expression "100 sheets per Tk.10" by Notification *ibid*.

<sup>5</sup> The expression "folios/100 gm. offset papers" was substituted for the word "folios" by Notification *ibid*.

effect shall be made on the application form which shall then be returned to the applicant.

**22. Speedy assessment of court-fee stamp and folios etc.**—On orders being passed granting an application for a copy, the Superintendent of the Copying Section 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 <sup>1</sup>[folios/100 gm. offset papers] required for its preparation.

**23. Careful calculation of folio.**—The number of <sup>2</sup>[folios/100 gm. offset papers] required should be carefully calculated so as to obviate the necessity for obtaining additional folios from the applicant.

**24. Difficulty in tracing document.**—If, owing to insufficient or incorrect description, the document cannot be traced, the application should be so endorsed and submitted at once to the Assistant Registrar-in-Charge of the Copying Section for orders.

**25. Duty of Copying Section after estimate.**—On receipt of the estimate as to number of <sup>3</sup>[folios/100 gm. offset papers] required, the Superintendent of the Copying Section shall enter the amount of Court-fee stamps and the other charges in the middle column of the application and shall notify the amount in <sup>4</sup>[Form No. 25 (Civil), Appendix I] not later than the next following day.

<sup>1</sup> The expression "folios/100 gm. offset papers" was substituted for the word "folios" by Notification No. 181-G dt. 22-10-2012.

<sup>2</sup> The expression "folios/100 gm. offset papers" was substituted for the word "folios" by Notification *ibid*.

<sup>3</sup> The expression "folios/100 gm. offset papers" was substituted for the word "folios" by Notification *ibid*.

<sup>4</sup> The expression "Form No. 25 (Civil), Appendix I" was substituted for expression "the prescribed Register [Form No. 25 (Civil) Appendix I]" by Notification *ibid*.

**26. Rejection of application for copy.**-If the stamps and <sup>1</sup>[folios/100 gm. offset papers] are not filed within seven days of the notification in the prescribed Register, the application shall be rejected by the <sup>2</sup>[concerned Assistant Registrar].

**27. Fresh application after rejection.**-If an application has been rejected under rule 26 above, and the copy is still required, fresh application must be filed and dealt with in the manner prescribed by these <sup>3</sup>[Rules], as though the original application had not been made.

**28. Noting of particulars on application.**-When the stamps and <sup>4</sup>[folios/100 gm. offset papers] 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 date on which the copy will be ready shall also be noted in the appropriate column of the application form and a corresponding entry shall be made by the Superintendent of the Copying Section in the counterfoil of the application. The applicant shall retain the counterfoil, and it shall be his duty to attend on the date fixed for the purpose of receiving the copy.

**29. Additional court-fee, extra folio etc.**-If and when it is ascertained that extra Court-fees or extra <sup>5</sup>[folios/100 gm. offset papers] for copies are required, the amount of such Court-fees or <sup>6</sup>[folios/100 gm. offset papers] should be immediately

<sup>1</sup> The expression "folios/100 gm. offset papers" was substituted for the word "folios" by Notification No. 181-G dt. 22-10-2012.

<sup>2</sup> The words "concerned Assistant Registrar" were substituted for the words "proper officer of the Court" by Notification *ibid*.

<sup>3</sup> The word "Rules" was substituted for the word "rules" by Notification *ibid*.

<sup>4</sup> The expression "folios/100 gm. offset papers" was substituted for the word "folios" by Notification *ibid*.

<sup>5</sup> The expression "folios/100 gm. offset papers" was substituted for the word "folios" by Notification *ibid*.

<sup>6</sup> The expression "folios/100 gm. offset papers" was substituted for the word "folios" by Notification *ibid*.



notified in <sup>1</sup>[Form No. 25 (Civil), Appendix I] and shall be put in within seven days of such notification.

**30. Noting of particulars about extra folio, court-fee etc.-** When the applicant complies with rule 29 above, a note should be made on the reverse of the counterfoil showing the date and number of extra <sup>2</sup>[folios/100 gm. offset papers] and the date and number and the value of the extra Court-fees filed. This note shall be signed both by the applicant and by the Superintendent of the Copying Section.

**31. Procedure for verifying correctness of copy.-(1)**

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

(2) It shall be the duty of the Superintendent of the Copying Section to examine 10 per cent of the copies in order to ensure that the persons in charge of copying and comparing are doing their duties properly and the Assistant Registrar-in-Charge of the Section shall also examine 2 percent of these copies to see that the copyist and the comparing clerks are doing their duties properly; and if there be any negligence and carelessness on the part of the copyists and comparing clerks, the matter should be referred to the authorities concerned for necessary action.]

**32. Time limit for furnishing copy.-** In ordinary circumstances a copy shall be furnished not later than 1 p.m. on the fifth day after the necessary Court-fee stamps and <sup>4</sup>[folios/100 gm. offset papers] have been put in.

<sup>1</sup> The expression "Form No. 25 (Civil), Appendix I" was substituted for the expression "the prescribed Register [Form No. 25 (Civil) Appendix I]" by Notification No. 181-G dt. 22-10-2012.

<sup>2</sup> The expression "folios/100 gm. offset papers" was substituted for the word "folios" by Notification *ibid*.

<sup>3</sup> Rule 31 was substituted for the original rule 31 by Notification *ibid*.

<sup>4</sup> The expression "folios/100 gm. offset papers" was substituted for the word "folios" by Notification *ibid*.

**33. Time and manner of delivery of copy.**-On receipt of the copies and unused <sup>1</sup>[folios/100 gm. offset papers], if any, from the copyists and the original application from the Section concerned, the Superintendent of the Copying Section shall keep them together. On the applicant's appearance with the counterfoil, the Superintendent of the Copying Section shall make over to him the copy and unused <sup>2</sup>[folios/100 gm. offset papers], taking his receipt in the counterfoil of the application which he will retain in his custody.

**34. Time for destruction of undelivered copy, unused folios etc.**-<sup>3</sup>[If ] the applicant, in any case, <sup>4</sup>[fails] to appear to claim either the copy or the unused <sup>5</sup>[folios/100 gm. offset papers] before the last day of the month succeeding that on which the copy was ready for delivery or <sup>6</sup>[if he fails] to put in the extra Court-fees or extra <sup>7</sup>[folios/100 gm. offset papers] within the period prescribed in rule 29 above, such copy and unused <sup>8</sup>[folios/100 gm. offset papers] shall be destroyed.

**35. Return of folio etc. in case of refusal.**-In any case in which a copy is refused, or cannot be granted, the <sup>9</sup>[folios/100 gm. offset papers] supplied by the applicant shall be returned to him when he is so informed.

**36. Manner of certifying a copy.**- (1) Certified copies shall bear the seal of the Court and a certificate with words "Certified to be a true copy as per section 76, Act I of 1872" / "আইন

<sup>1</sup> The expression "folios/100 gm. offset papers" was substituted for the word "folios" by Notification No. 181-G dt. 22-10-2012.

<sup>2</sup> The expression "folios/100 gm. offset papers" was substituted for the word "folios" by Notification *ibid*.

<sup>3</sup> The word "If" was substituted for the word "Should" by Notification *ibid*.

<sup>4</sup> The word "fails" was substituted for the word "fail" by Notification *ibid*.

<sup>5</sup> The expression "folios/100 gm. offset papers" was substituted for the word "folios" by Notification *ibid*.

<sup>6</sup> The words "if he fails" were substituted for the words "should he fail" by Notification *ibid*.

<sup>7</sup> The expression "folios/100 gm. offset papers" was substituted for the word "folios" by Notification *ibid*.

<sup>8</sup> The expression "folios/100 gm. offset papers" was substituted for the word "folios" by Notification *ibid*.

<sup>9</sup> The expression "folios/100 gm. offset papers" was substituted for the word "folios" by Notification *ibid*.

<sup>10</sup> Rule 36 was substituted the for the original rule 36 by Notification *ibid*.

১/১৮৭২ এর ৭৬ ধারা অনুযায়ী প্রত্যায়িত অবিকল অনুলিপি" and be signed in full by an officer authorised to do so by the Registrar.

(2) As regards uncertified copies they shall be marked only with the word "examined" and initialled by the Examiner.]

### **37. Relevant date etc. to be recorded on copy.-**

When a copy of a decree, judgment or order is granted, the following particulars shall be recorded on the copy itself, and in the form given below:

- (i) Date of application for copy.
- (ii) Date of notifying the requisite number of <sup>1</sup>[folios/100 gm. offset papers] and stamps.
- (iii) Date of delivery of the requisite number of <sup>2</sup>[folios/100 gm. offset papers] and stamps.
- (iv) Date on which the copy was ready for delivery.
- (v) Date of making over the copy to the applicant.

<sup>3</sup>**38. Certified Photostat copy.-**(1) Persons entitled to obtain copies of papers, records, Judgments, Decrees, Orders, exhibits and other documents under rules 1 to 5 <sup>4</sup>[and 12] of this Chapter, may obtain photostat copies of the same subject to the fulfilment of the terms and conditions, and in the manner specified below.

(2) For such photostat copies offset paper shall be used. The applicant shall, within one week of the notification of the estimate by the office, supply the required number of sheet, and pay the fees under sub-rule (5). The supply of the paper and the payment of the fees shall be entered, in the relevant Register.

<sup>1</sup> The expression "folios/100 gm. offset papers" was substituted for the word "folios" by Notification No. 181-G dt. 22-10-2012.

<sup>2</sup> The expression "folios/100 gm. offset papers" was substituted for the word "folios" by Notification *ibid*.

<sup>3</sup> Rule 38 was added by Notification No. 4735-G, The Bangladesh Gazette (Extraordinary), December 10, 1981.

<sup>4</sup> The expression "and 12" was inserted by Notification No. 181-G dt. 22-10-2012..

(3) If the applicant fails to supply the estimated number of papers or to pay the requisite fees within the period of one week of the notification under sub-rule (2) the application shall be rejected by the <sup>1</sup>[concerned Assistant Registrar].

(4) An application for a photostat copy shall be made in Form No. 24A (civil), <sup>2</sup>[Appendix I] which will be supplied on payment of <sup>3</sup>[Tk.4/-] per form in Court-fee stamp.

<sup>4</sup>[(5) The following fees, payable in Court fee stamps, shall be chargeable for photostat copies:-

	Taka
(I) Application fee (Ordinary) ..	10/-
(II) Application fee ( urgent) . . . . .	15/-
(III) Charges of copies per page...	3/-
(IV) Authentication fee for judgment	5/-
(V) Authentication fee for decrees	10/-
(VI) Authentication fee for other documents	5/-
(VII) Searching fee, if the record is in deposit in the Record Section	5/-

**(Note-** Court fee stamps realized as charge fee copies shall be affixed on each page of the copy.))

(6) A copy shall be supplied:-

- <sup>5</sup>[against] an ordinary application within one week; and
- <sup>6</sup>[against] an urgent application, within three days, of the filling of the papers and the payment of the requisite fees.

<sup>1</sup> The words "concerned Assistant Registrar" were substituted for the words "proper officer of the Court" by Notification No. 181-G dt. 22-10-2012.

<sup>2</sup> The expression "Appendix I" was substituted for the expression "appended to these rules," by Notification *ibid*.

<sup>3</sup> The expression "Tk.4/-" was substituted for the words "Taka one" by Notification *ibid*.

<sup>4</sup> Sub-rule (5) was substituted for the original sub-rule (5) by Notification *ibid*.

<sup>5</sup> The word "against" was substituted for the word "Against" by Notification *ibid*.

<sup>6</sup> The word "against" was substituted for the word "Against" by Notification *ibid*.

(7) Other provisions of this Chapter shall, if and where necessary, *mutatis mutandis*, apply for the purpose of preparation and supply of copies under this rule.

[(8) A photostat copy shall bear the seal of the Court and the expression "Certified to be a true copy as per section 76, Act I of 1872" or "আইন ১/১৮৭২ এর ৭৬ ধারা অনুযায়ী প্রত্যায়িত অবিকল অনুলিপি" and shall be signed in full by an officer authorized to do so by the Registrar.]

<sup>1</sup> Sub-rule (8) was substituted for the original sub-rule (8) by Notification No. 181-G dt. 22-10-2012.