

## CHAPTER-XVI

## Deposit and Payment of Money

**1. Challan form and hour for deposit/payment.**-All money required to be paid or deposited under these Rules <sup>1</sup>[\*\*\*] shall be paid to the <sup>2</sup>[Accounts Section] of the Court with a *challan* in Form No. 30 (Civil), Appendix I, before 1-30 p. m. on any working day.

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

**3. Time for tendering Challan to Accounts Section.**-The *challan* before it is tendered at the Bank must be placed by 11-30 a.m. in the box provided for the purpose at the counter in the Accounts <sup>3</sup>[Section]. If the *challan* is found to be in order, it shall be numbered serially and entered in the *Challan Register* and then signed <sup>4</sup>[and issued by the Office Assistant] and the Accountant.

**<sup>5</sup>4. Duty of Accounts Section about Challan.**-(1) All *challans* tendered shall be made ready for delivery to the Advocates or the parties concerned so as to enable them to deposit the money in the Bank on the day on which the *challan* is issued. If the person concerned fails to tender the *challan* at the Bank on the day of issue, a fresh *challan* must be taken out on the following working day, unless the time within which the deposit should be made under the Rules of the Court has expired, in which case the deposit will not be accepted without the order of concerned Assistant Registrar.

(2) If for some sufficient cause beyond his control, as to which he shall satisfy the Registrar by a proper application setting out the reasons, an Advocate or party is prevented from tendering

<sup>1</sup> The words "other than paper-book costs" were omitted by Notification No. 181-G dt. 22-10-2012.

<sup>2</sup> The words "Accounts Section" were substituted for the word "Accountant" by Notification *ibid*.

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

<sup>4</sup> The words "and issued by the Office Assistant" were substituted for the words "by the Challan Clerk" by Notification *ibid*.

<sup>5</sup> Rule 4 was substituted for the original rule 4 by Notification *ibid*.

money under rule 1, and the deposit, if made on the following day, is out of time, the Registrar may direct the money to be received by an officer of the Court and such acceptance shall be deemed to be a valid deposit on the day on which it is accepted.]

**1[5. Variation of time by the Chief Justice.**- The time specified in rule 1 and 3 above may be varied from time to time by the Chief Justice having regard to the Court's office hours and those observed by the Sonali Bank Ltd.]

**6. Communication of Bank advice to Section.**-On receipt of the advice of payment from the Bank, the fact that a deposit has been made should be communicated to the 2[\*\*\*] Section concerned.

**7. Sale Proceeds of Paper-book etc.**-Money received in connection with the sale of paper-books, 3[cause lists and] forms must be forwarded by the Accountant to the 4[Bangladesh Bank], together with a *challan* for credit to Government as soon as the total amount reaches 5[Tk.2000/-].

**8. Restriction on payment of money out of Court.**-No money should be paid out of Court, except under an order of a Judge, the Registrar, 6[Additional Registrar.] the Deputy Registrar or an Assistant Registrar.

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

**11. Certificate of Accountant on application for refund.**- No application for 7[refund] of money shall be presented unless it bears upon it certificate in writing, dated and signed by the Accountant of the Court, that there is no stop-order in force affecting such money, or any part thereof, and stating the precise amount for the payment of which out of Court an order may be made.

<sup>1</sup> Rule 5 was substituted for the original rule 5 by Notification No.181-G dt. 22-10-2012.

<sup>2</sup> The word "Appeal" was omitted by Notification *ibid*.

<sup>3</sup> The words "cause lists and" were substituted for the words "of cause lists and of" by Notification *ibid*.

<sup>4</sup> The words "Bangladesh Bank" were substituted for the words "State Bank of Pakistan" by Notification *ibid*.

<sup>5</sup> The expression "Tk.2000/-" was substituted for the expression "Rs.300" by Notification *ibid*.

<sup>6</sup> The expression "Additional Registrar." was inserted by Notification *ibid*.

<sup>7</sup> The word "refund" was substituted for the word "returned" by Notification *ibid*.

**12. Application for payment out of Court.-** Every application for the payment of money out of Court shall state-

- (i) the name of the Advocate making the application, or the description and address of the applicant claiming to be entitled to the money (if the application is made by the party in person);
- (ii) the capacity in which such applicant claims to be entitled to the money;
- (iii) the cause, appeal, matter or proceeding in which, or the date of the order under which, the money to which the application relates, was paid into Court; and
- (iv) the precise amount for the payment of which an order is applied for.

**13. Presentation of application for payment of money.-**Every application for the payment of money shall be presented by the applicant claiming to be entitled to receive such money, or by an Advocate acting on behalf of the applicant, or by the recognised clerk of such Advocate. In all cases in which the application is not presented by the applicant it must be signed by the Advocate claiming to be entitled to receive such money.

**14. Refusal of application.-**If an application for refund appears to be defective, a Judge or the Registrar may make such orders thereon as he considers proper, refuse to make an order thereon or order that notice to show cause shall issue to any person or persons concerned in such application.

**15. Payment order to be signed by Registrar.-**No payment shall be made under an order made under rule 14 above, except upon a repayment order signed by the Registrar.

**16. Application for refund of security.-** When an application is made for the refund of Government Promissory Notes deposited as security in an Appeal to the <sup>1</sup>[Appellate Division], the applicant shall deposit with the <sup>2</sup>[Accounts Section] a withdrawal fee of <sup>3</sup>[50 paisa per 100/- Taka].

<sup>1</sup> The words "Appellate Division" were substituted for the words "Supreme Court" by Notification No. 181-G dt. 22-10-2012.

<sup>2</sup> The words "Accounts Section" were substituted for the word "Accountant" by Notification *ibid*.

<sup>3</sup> The expression "50 paisa per 100/- Taka" was substituted for the words "four annas percent" by Notification *ibid*.

**1[Chapter-XVIA****Miscellaneous****1. Decorum to be maintained in Court.-**

(1) All Advocates, staff of the Court and any other person present in Court shall behave in such a manner that the proceeding of a Court is in no way affected.

(2) Without prejudice to the generality of sub-rule (1) the following acts are prohibited:

- (a) use of cell phone or similar device, and for this purpose the holder of cell phones or similar device must switch it off before he enters into the Court-room;
- (b) smoking, drinking, eating, chewing or puffing anything;
- (c) gossiping with or talking to others;
- (d) dressing up, combing, using make up materials;
- (e) using any sound generating device, except the microphone kept reserved for Judges and Advocates on leg;

**Explanation:**(I) Laptop or similar device may be used for rendering assistance to a proceeding.

(II) Voice recording device may be used by a Judge or by a staff with the permission of the Judge.

- (f) taking still or movie photograph by using any device, except for security purpose maintained by Court Administration;
- (g) carrying any bag, umbrella, stick, heavy articles or any sort of weapon;
- (h) putting on shoes, sandals which are likely to generate sound;
- (i) sleeping, dosing.

(3) Advocates or any other person addressing the Court must do so with utmost respect to the Court and in a disciplined manner maintaining the tradition so long prevailing and mode of address to the Judge shall be the same irrespective of the gender of the Judge.

(4) It shall be the responsibility of the Judge(s) to ensure that the above rules are complied with.

(5) In an urgent situation the Judge may allow any person to take water or medicine.

## **2. Dress of Judges and Advocates.-**

(1) The dress of Judges shall be as follows:

- (a) white shirt with turned up white collar and white bands;
- (b) Judge's coat without lapel, fully buttoned and full sleeved;
- (c) trousers of black or white or light coloured materials;
- (d) Judge's gown.

(2) The dress of Advocates shall be as follows:

- (a) a coat or sherwani of black material;
- (b) white shirt with turned up white collar and white bands;
- (c) trousers of black or white or light coloured materials;
- (d) Advocate's gown (half sleeved of black colour).

(3) Female Advocates may wear white or light coloured shari or shalower kamiz of white colour materials. All female Advocates shall wear black coat. Female Advocates using shari or shalower kamiz shall also wear white collar with white band. A female Advocate shall wear the Advocate's gown specified above.

(4) Advocates enrolled with the Appellate Division may wear the dress prescribed for the Appellate Division.

**3. Maintenance of security.-** (1) For ensuring smooth functioning of the Court and its office, the Chief Justice may take all or any of the following measures:

- (a) to install proper electronic and other security devices at appropriate places including the entry point(s) of the Court premises and the Court Building;
- (b) to display necessary caution/notifications/ instructions;
- (c) to issue necessary directions/instructions to any person or class of persons;
- (d) other measures as the Chief Justice considers appropriate in a particular situation.

(2) Any person whether he is a member of the Bar or member of the staff of the Court or a law clerk or other person, entering into the Court premises or into Court Building or into any part thereof shall pass through the security process.

(3) If the person(s) in-charge of security of a particular place of the Court premises or Court Building finds any material with a person which is likely to endanger the security of other people or the Court Building or the Court premises, he may temporarily detain the material and unless the possession thereof is prohibited by law, he will return it to the person carrying the material when that person leaves the entry point. In case of finding a material the possession of which is prohibited by law, the person in-charge of the particular entry point shall immediately inform the Security-in-Charge/Court-keeper for taking appropriate action in accordance with law.

(4) No person whether he is a member of the Bar or a law clerk or a member of the Court staff or other person, shall hold or arrange any procession or chant slogan or engage in a meeting or engage in demonstration in the Court premises or any part of the Court Building.

(5) No person shall take photograph of the proceedings of a Court Room nor shall make any audio-recording. Every person before entering a court room must switch off his mobile phone.]