

## CHAPTER-XV

## Inspection and Information

**1[1. Removal of record generally prohibited.**-No record of any case shall be removed from the Court building, except under an order in writing of a Judge, the Registrar, Additional Registrar, Deputy Registrar or an Assistant Registrar. Such order shall be recorded in Part II of the record:

Provided that if any Judge or the Registrar, requires a record at his residence, he may take charge of it. If any other officer intends to take a record to his residence, he shall take written permission from the Registrar or the Additional Registrar.]

**2. Application for inspection of record.**- Inspection of records shall only be allowed upon an application being made in <sup>2</sup>[Form No. 28 (Civil), Appendix I] which will be obtainable from the Forms Clerk at <sup>3</sup>[Tk.2/-] per copy or <sup>4</sup>[Tk.100/-] for 100 forms. <sup>5</sup>[The same form may be used for inspection of any other records].

**3. Particulars of record or paper to be inspected.**- Every application for inspection shall specify the record or paper of which inspection is desired and the name of the person or persons by whom the inspection will be made, and shall be accompanied, where necessary, by the fee prescribed in <sup>6</sup>[rule 6 of Chapter XII].

**4. Persons entitled to inspect.**-No record or paper of any department shall be inspected by any person other than a Judge or an Officer of the Court, except upon an order in writing of a Judge.

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

<sup>2</sup> The expression "Form No. 28 (Civil), Appendix I" was substituted for the expression "the form prescribed for the purpose (see Form No. 28(Civil), Appendix I)" by Notification *ibid*.

<sup>3</sup> The expression "Tk.2/-" was substituted for the expression "6 pies" by Notification *ibid*.

<sup>4</sup> The expression "Tk.100/-" was substituted for the expression "Rs.2" by Notification *ibid*.

<sup>5</sup> The words "The same form may be used for inspection of any other records" were inserted by Notification *ibid*.

<sup>6</sup> The expression "rule 6 of Chapter XII" was substituted for the expression "Chapter XII of these rules" by Notification *ibid*.

the Registrar, <sup>1</sup>[Additional Registrar or the concerned Deputy Registrar or Assistant Registrar]:

Provided that a party appearing in person in an appeal or other proceeding, or an Advocate duly authorised by a party to a case, may, upon filing an application in the prescribed form, inspect a record in the space set apart for inspection, without a formal order in writing obtained under this rule.

**5. Procedure for inspection by stranger.-** A stranger to an appeal or other proceeding shall not be entitled as of right to inspect any record or document. He may, however, apply for an order to inspect such record or document, provided that he shall not be allowed to inspect exhibits put in evidence, except <sup>2</sup>[in presence of the concerned Deputy Registrar or] with the consent of the person by whom they were produced or his successor-in-interest. Every such application shall be in writing in the <sup>3</sup>[Form specified in rule 2 above], shall specify the paper or papers which <sup>4</sup>[he desires] to inspect, shall clearly state the reason for the inspection and shall be accompanied by the fee prescribed in <sup>5</sup>[rule 6 of Chapter XII].

**6. Time for inspection.-**Every application for inspection shall be made between the hours of <sup>6</sup>[10-00 a.m. and 4 p.m. on a working day] and inspection shall be allowed only in the Inspection Room or in the space allotted for the purpose, between the hours of 10-45 a.m. and 4-30 p. m. on <sup>7</sup>[working days] and such inspection may be made on any working day or days but must be completed within <sup>8</sup>[15] days from the date of receipt of the record by the

<sup>1</sup> The expression "Additional Registrar, Deputy Registrar or Assistant Registrar" was substituted for the words "or other Gazetted Officer" by Notification No. 181-G dt. 22-10-2012.

<sup>2</sup> The words "in presence of the concerned Deputy Registrar or" were inserted by Notification *ibid*.

<sup>3</sup> The expression "Form specified in rule 2 above" was substituted for the expression prescribed form (see rule 2 above)" by Notification *ibid*.

<sup>4</sup> The words "he desires" were substituted for the words "it is desired" by Notification *ibid*.

<sup>5</sup> The expression "rule 6 of Chapter XII" was substituted for the expression "Chapter XII of these rules" by Notification *ibid*.

<sup>6</sup> The expression "10-00 a.m. and 4 p.m. on a working day" was substituted for the expression "10-45 a.m. and 4 p.m. on a Court day and between the hours of 11 a.m and 1 p.m on Saturdays;" by Notification *ibid*.

<sup>7</sup> The words "working days" were substituted for the expression "Court days and between the hours of 11 a.m. and 1 p.m. on Saturdays" by Notification *ibid*.

<sup>8</sup> The figure "15" was substituted for the figure "10" by Notification *ibid*.

<sup>1</sup>[concerned Superintendent of the Section]; and such inspection may be made only by person or persons whose names are mentioned in the order allowing inspection.

**Note.- (1)** Requisition for the record shall be made by the <sup>2</sup>[concerned Superintendent of the Section] on the day the application is filed and the record shall, except for special reasons to be stated in writing, be made available for inspection by the day following and in any case not later than the third day from the date of application. If the requisition is not complied with within three days the matter shall be submitted with an explanation to the <sup>3</sup>[concerned Assistant Registrar] for orders.

**Note.- (2)** This rule shall not apply to pending Criminal cases inspection of which will be allowed in the Criminal Section.

**Note.- (3)** In no case should the <sup>4</sup>[concerned Superintendent of the Section] retain any records in the room or space for inspection for more than 10 days from the date of receipt of the record in that room or space.

**7. Procedure on receipt of application.**-Immediately upon receipt of an application for inspection the <sup>5</sup>[concerned Superintendent of the Section] shall send a requisition to the Superintendent of the Section in which the record or paper mentioned in the application is, and the latter upon being satisfied that the application is in order and that the person named therein is entitled to inspect under rule 4 above, or has been allowed inspection under rule <sup>6</sup>[4 or] 5 above, shall make

<sup>1</sup> The words "concerned Superintendent of the Section" were substituted for the words "Clerk-in-Charge of Inspection" by Notification No. 181-G dt. 22-10-2012.

<sup>2</sup> The words "concerned Superintendent of the Section" were substituted for the words "Clerk-in-Charge of Inspection" by Notification *ibid*.

<sup>3</sup> The words "concerned Assistant Registrar" were substituted for the words "Gazetted Officer- in-Charge" by Notification *ibid*.

<sup>4</sup> The words "concerned Superintendent of the Section" were substituted for the words "Clerk-in-Charge of Inspection" by Notification *ibid*.

<sup>5</sup> The words "concerned Superintendent of the Section" were substituted for the words "Clerk-in-Charge of Inspection" by Notification *ibid*.

<sup>6</sup> The expression "4 or" was inserted by Notification *ibid*.

over such record or paper to the <sup>1</sup>[concerned Superintendent of the Section] by 10-45 a.m. on the date noted in the application.

**8. Restriction during inspection.**-<sup>2</sup>[(1)] No person inspecting a record or paper shall make any mark on, or in any respect mutilate <sup>3</sup>, or otherwise cause any damage to, any record or paper which is being inspected.

<sup>4</sup>[(2)] He may make short notes <sup>5</sup>[in his own paper] but shall on no account be allowed to make a copy or translation of any paper on the record or to compare a copy or translation already made.

**Note.- (1)** The words "short notes" in this rule mean such brief notes or memoranda with respect to the date and nature of the documents, names of parties, etc., as may be necessary to identify the document or record, in case a copy is required or a list of papers for inclusion in the paper-book of an appeal is to be filed.

**Note.- (2)** A notice in terms of this rule and Note (1) shall be hung up in a prominent place near the space set apart for inspection and a breach of the rule should be forthwith reported to the <sup>6</sup>[concerned Assistant Registrar, who shall with the approval of the Registrar, initiate criminal proceeding].

**9. Restriction on access to place of inspection.**- Only <sup>7</sup>[employees of the concerned Section] and persons authorised to inspect either under rule 4 or rule 5 above shall be allowed into the room or space set apart for inspection:

- <sup>1</sup> The words "concerned Superintendent of the Section" were substituted for the words "Clerk-in-Charge of Inspection" by Notification No. 181-G dt. 22-10-2012.
- <sup>2</sup> Sub-rule (1) was re-numbered for sub-rule (i) by Notification *ibid*.
- <sup>3</sup> The expression ", or otherwise cause any damage to," was inserted by Notification *ibid*.
- <sup>4</sup> Sub-rule (2) was re-numbered for sub-rule (ii) by Notification *ibid*.
- <sup>5</sup> The words "in his own paper" were inserted by Notification *ibid*.
- <sup>6</sup> The expression "concerned Assistant Registrar, who shall with the approval of the Registrar initiate criminal proceeding" was substituted for the words "Gazetted Officer-in-Charge" by Notification *ibid*.
- <sup>7</sup> The words "employees of the concerned Section" were substituted for the words "officers of the Court" by Notification *ibid*.

Provided that parties or their agents as mentioned in the order for inspection may accompany the Advocate, but the number of such persons shall not exceed two.

**10. Restriction on inspection of register.**- No one other than a Judge, the Registrar, <sup>1</sup>[the Additional Registrar,] the Deputy Registrar, or an Assistant Registrar, shall be allowed to inspect any register of the Court or of the office, except on an order in writing of the Registrar <sup>2</sup>[, the Additional Registrar, the Deputy Registrar, or an Assistant Registrar] and in presence of the officer whose duty it is to keep such register.

**11. Application for information.**- Applications for information shall be made in <sup>3</sup>[Form No. 29 (Civil), Appendix I] copies of which will be supplied at <sup>4</sup>[Tk.2/-] per sheet or 100 sheets for <sup>5</sup>[Tk.100/-], to the Deputy Registrar or such other officer of the Court as the Registrar may depute for the purpose, on any <sup>6</sup>[working day between the hours of 10-00 a.m. and 4-00 p.m]. That form may be used as application for information in respect of <sup>7</sup>[all] other records.

**12. Procedure after filing of application for inspection.**-An applicant for information will submit his application with the necessary particulars as shown in Form No. 29 (Civil), Appendix I. The officer receiving the application shall, if the information is available, fill in the information both in the upper and lower halves of the form in their proper places. If the information is not immediately available he shall state in the appropriate place the date on which the applicant should call for the information and

- <sup>1</sup> The expression "the Additional Registrar." was inserted by Notification No. 181-G dt. 22-10-2012.
- <sup>2</sup> The expression ", the Additional Registrar, the Deputy Registrar, or an Assistant Registrar" was substituted for the words "or other Gazetted Officer" by Notification *ibid*.
- <sup>3</sup> The expression "Form No. 29 (Civil), Appendix I" was substituted for the expression "the prescribed form [see Form No. 29 (Civil), Appendix I]." by Notification *ibid*.
- <sup>4</sup> The expression "Tk.2/-" was substituted for the expression "6 pies" by Notification *ibid*.
- <sup>5</sup> The expression "Tk.100/-" was substituted for the expression "Rs.2" by Notification *ibid*.
- <sup>6</sup> The expression "working day between the hours of 10-00 a.m and 4-00 p.m" was substituted for the expression "Court day between the hours of 11 a.m and 4 p.m and between the hours of 11 a.m and 1 p.m on Saturdays" by Notification *ibid*.
- <sup>7</sup> The word "all" was inserted by Notification *ibid*.

shall make over the lower portion of the form to the applicant. Upon the applicant calling for the information on the date stated <sup>1</sup>[, the officer] shall supply the information in the appropriate place, an acknowledgment for the same being obtained on the upper portion of the form which shall be preserved in the office for <sup>2</sup>[six months].

**Note.-** Searching-fee shall be levied on application for information as in the case of application for copies (see Chapter XII): An application will not be considered as complete till the searching-fee, as necessary under the rules, has been paid.

**13. Supply of information.**-Information shall ordinarily be supplied on the next <sup>3</sup>[working day after the application is filed].

**Note.- (1)** Any delay in complying with the provisions of these <sup>4</sup>[Rules] should be brought to the immediate notice of the Registrar.

**Note.- (2)** Information <sup>5</sup>[ shall be given in short answer form]. If any extract from the record or the substance of any order or decree or other document is desired, the proper course is to apply for a copy.

**Note.- (3)** Defective applications <sup>6</sup>[,] and applications in which the information asked for cannot for any reason be given <sup>7</sup>[,] shall be rejected subject to the orders of the Registrar.

<sup>1</sup> The expression “, the officer” was substituted for the word “he” by Notification No. 181-G dt. 22-10-2012.

<sup>2</sup> The words “six months” were substituted for the words “the period prescribed from time to time” by Notification *ibid*.

<sup>3</sup> The words “working day after the application is filed” were substituted for the words “open day after application” by Notification *ibid*.

<sup>4</sup> The word “Rules” was substituted for the word “rules” by Notification *ibid*.

<sup>5</sup> The words “shall be given in short answer form” were substituted for the words “requiring anything but short answers shall not be given” by Notification *ibid*.

<sup>6</sup> Comma was inserted by Notification *ibid*.

<sup>7</sup> Comma was inserted by Notification *ibid*.