

Rules For Preservation and Destruction of Records In The Special Court Constituted Under The A.P. Land Grabbing (Prohibition) Act, Rules, 2002

ANDHRA PRADESH

India

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Rule

RULES-FOR-PRESERVATION-AND-DESTRUCTION-OF-RECORDS-IN-T of 2002

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Rules For Preservation and Destruction of Records In The Special Court Constituted Under The A.P. Land Grabbing (Prohibition) Act, Rules, 2002 Published vide G.O.Ms.No. 208, Revenue (A&R), dated 20.4.2002, Published in A.P. Gazette Rules Supplement to Part II, Extraordinary No. 13, dated 15.5.2002. Whereas, the Registrar, Special Courts under Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 has requested the Government to issue notification conferring the powers to frame rules for the disposal of the destruction of Records under Destruction of Records Act, 1917 (Central Act V of 1917). And whereas the Government of Andhra Pradesh has been pleased to authorise the Registrar of the Special Court, Hyderabad constituted under the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982 to make rules for the preservation and destruction of records in the cases disposed of by the Special Court, under sub-clause (i) of clause (c) of sub-section (2) of Section 3 of the Destruction of Records Act, 1917 (Central Act V of 1917) by notification issued in G.O.Rt.No. 1733, Revenue (A&R) Department, dated 3.11.1998, published in Andhra Pradesh Gazette No. 44, dated 26.11.1998 at page No. 1822. Therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of Destruction of Records Act, 1917 (Central Act V of 1917), the Registrar of the Special Court hereby makes the following Rules for preservation and destruction of records in the cases disposed of by the Special Court. Rules

1. Short Title:

- These Rules may be called the "Rules for Preservation and Destruction of Records in the Special Court constituted under A.P. Land Grabbing (Prohibition) Act, Rules, 2002."

2. Opening of Index Sheet:

- An index sheet in the form prescribed in Appendix-A hereto, shall be made in every case on its first institution in the Special Court and each paper, as it is filed along with the case record shall be entered in such index.

3. Division of Records:

- Every record shall, after its disposal and immediately before it is deposited in the record room, be divided into parts as shown in Appendix-B and to facilitate this division, each paper shall, as soon as it is filed with the record, be numbered and marked off in the index as appertaining to one or another of such parts.

4. Unmarked documents to be kept apart for destruction:

(1) Documents which have been produced by parties but have either not been tendered in evidence, or having been tendered in evidence and have been rejected, shall be kept apart from the record of the case or other proceeding to which they belong and entered in the register of unmarked documents and shall, if not reclaimed by the party, who produced them, be retained in the Court for a period of one year from the date of final order of the Court in the case or proceedings in which the documents were produced, and shall, at the expiration of that period, be destroyed in the manner prescribed under Rule 9 of the said rules: Provided that, notice of destruction shall be given in the manner prescribed in Rule 10 of the rules in the months of January and July succeeding the date of expiry of the period of one year referred to in this rule, and also by affixing on the Notice Board of the Court (at the time of publication in Gazette) a copy of the notice published in the Andhra Pradesh State Gazette. (2) No application is necessary for the return of the documents produced which have either not been tendered in evidence or it tendered, have been rejected. It is sufficient, if an acknowledgement for their receipt is taken on the list filed into Court.

5. Period of Prevention of Records:

- The parts of records described in the table given in Appendix-C shall be retained for the periods respectively shown against them from the date of disposal of the case : Provided that, in any case the Registrar may, for the reasons to be recorded in writing, direct that any of the papers in any one part be transferred to any other part for which a longer period of retention is prescribed in which case such fact shall be noted in the Index and the papers are dealt with as if they had belonged from the commencement to the part to which they were so transferred.

6. Period of Retention of Court Registers etc.:

- The registers, if any, books and papers described in the table given in Appendix-D, shall be retained for the periods respectively specified against each of them reckoning from the end of the year for which they relates.

7. Documents ripe for destruction re-exhibited in another case:

- Where any document of which the destruction is ordered by these rules, is, before it has been destroyed, made evidence in any other case or proceedings, the rule regarding its destruction shall be the rule applicable to evidence filed in such case or proceeding where the period prescribed by such last mentioned rule is in excess of the period prescribed by the Rule which originally governed its destruction.

8. Records which are not to be destroyed:

- The following should on no account be destroyed:-(i)Records connected with expenditure which is within the statute of limitation.(ii)Records connected with claims to service and personal matters affecting persons in service.(iii)Orders and sanctions of permanent character until revised.

9. Andhra Pradesh Gazette:

(1)With the exception of Part-I-A, I-B-H, III and IV of the Andhra Pradesh Gazette and parts I, H and HI and Supplements to the Government of Andhra Pradesh Gazette, which may be sold as waste paper, all other records, books and papers to be destroyed under Rule 6 above, shall be burnt in the presence of the Record Keeper or other Officers nominated by the Registrar :Provided that the Registrar may sanction their disposal in any manner other than burning, or torn to pieces and sold as waste paper.(2)Whenever, records, books, diaries, Gazettes or papers are to be destroyed under Rule 6 above, a complete list of the records, books or papers, so destroyed shall be prepared and the date of destruction shall be entered at the top of the list. It shall be the duty of the Record-keeper or the Officer nominated by the Registrar, as the case may be, to certify the correctness of these lists, before obtaining the orders of the Registrar for destruction thereof.

10. Publication of list of documents to be destroyed in the Andhra Pradesh Gazette:

(1)To enable the parties, who have filed documents in court, to withdraw the same before the expiry of the period of their destruction, a notice shall be published on the Notice Board of the Court and in the Andhra Pradesh Gazette in January or July of each year stating that all the documents filed in the court will, unless previously reclaimed, be destroyed at the expiration of the period indicated in the notice.(2)All documents reclaimed by the parties entitled shall be returned to such parties under the orders of the Registrar.

11. Registers prescribed:

- In order to facilitate the work of destruction of records, five Registers shall be maintained in the Record-room in the Form-S prescribed in Appendix-E and it shall be the duty of the Record-keeper to see that all records received by him from the concerned sections in accordance with the rules are entered in the concerned registers.

12.

Nothing contained in these rules, shall be deemed to authorise the destruction of any document or record filed by any Officer of the Government or produced by such Officer upon summons issued under Section 137 Criminal Procedure Code (Now Order XIII Rule 10 of the Act V of 1908) or requisition issued by the Court either suo-motu or at the request of the party as the case may be. Such documents, if not previously reclaimed, shall invariably be returned to the Officer who produced.

13.

Documents in the cases which are carried to the High Court or the Supreme Court, as the case may be, shall not be destroyed till the cases are finally disposed of.

14. Duties of the Section Officer of the Record Room and other Section Officers:

(1)At the closure of every calendar year, the Section Officer of the Record Room shall examine every item of record and examine whether it is ripe for destruction, keeping in view the above Rules. All the documents etc., for destruction, shall be noted in a Register in the following form, which shall be ordered by the Registrar in Column 6.

Sl. No.	Description of document/register/books etc., with the year thus relate to	Period of life prescribed	Date on which the document is ripe for destruction	Remarks of the S.O. In-charge or record room	Orders of the officer ordering for destruction
1	2	3	4	5	6

(2)The concerned Section Officers shall verify, before sending of the disposal, records, to the Record Room, as to whether it is noted in the Index Sheet to which part the document relates to. The same shall be checked by Section Officer, Record Room and, if necessary, get altered wherever necessary by the Head of the Office (see Appendix-A&B).A. The following documents fall under Part I.Appeals/Review: (i)All papers bearing the signature of Presiding Officer.(ii)All Judgments and Decrees.(iii)Memorandum of grounds.(iv)Draft Order in petition for interim orders.B. The following documents fall under Part-II.(v)All papers which are certified copies of the orders of the Court below in matters which are finally disposed of.(vi)All miscellaneous petitions.(vii)All Affidavits and Material papers.C. The following documents fall under Part-III(i)Notice papers, Vakalatnama,

Caveats(ii)All papers other than those covered by the above in matters which had been disposed of at the admission stage, shall be preserved for one year.(iii)If the party doesn't take return of the documents which are filed and marked in the appeals, they will be dealt with according to rules as in the case of original record.N.B.: - Every Final Order passed by the Court shall bear the endorsement as follows:(i)If the party does not take return of the original documents filed along with the case within a period of one year to three years, as the case may be, from the date of disposal of the case, all the original documents will be destroyed.(ii)One month's notice if destruction of the records shall be displayed on the Notice Board of the Special Court and also on the Notice Board of the Special Court Bar Association.Appendix-A(Form of Index)(See Rule 2)

Sl. No.	Description of paper	Date of filing	Date of Document	Part No.	of papers	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Appendix-B(See Rule 3)Table showing the divisions of record and the description of the paper falling under each division.

Part-I

Land Grabbing Cases 1. Index Sheet

Land Grabbing Appeals

2. Land Grabbing Application
3. Counters
4. Judgment & decree (Original & Appellate)
5. Application by next friend or guardian
6. Process issued to respondent in ex parte proceedings
7. Appeal Memorandum
8. Judgment and order remanding or remitting Land Grabbing Cases on direction
9. Commissioner's report, maps and plans
10. Order recording payment whole or in part of the respondent
11. Report of delivery of possession by Revenue Divisional Officer
12. Mandal Revenue Officer's report
13. Proceeding sheets
14. Gazette notification.

Part-II

1. Documentary evidence
2. Points for consideration
3. Oral evidence
4. All parts not already specified in Part-I & II are treated as Part-III

Appendix-C(See Rule 5)Table showing the periods prescribed for the retention of the various parts of the Records in the various classes of proceedings.

Nature of Proceedings

Number of years for which records are to be retained

Part-I

Part-II

Part-III

(1)	In Land Grabbing cases or Land Grabbing Appeals:	
(a)	For or affecting immovable property (Fair Judgment and Decrees Original permanent and appellate, Commissioner report with sketch)	Permanent 5 years 3 years
(2)	In Criminal Cases Complaint & Judgment	Permanent 5 years -
(3)	In T.O. Ps.	- 5 years -

Appendix-D(See Rule 6)

Sl. No.	Description of Court Register, Books and Papers	No. of years for which Register etc., are to be retained
(1)	(2)	-(3)
1.	Register of Land Grabbing Cases (Register No.1)	Permanent
2.	Register of Land Grabbing appeals (Register No.2)	-do
3.	Register of Transfer Original Petitions (Register No.3)	-do-
4.	Register of Criminal Cases (Register No.4)	-do-
5.	Register of Interlocutory Applications (Register No.5)	12
6.	Register showing the matters stayed by the High Court or Supreme Court (Stay Register) (Register No.6)	Permanent
7.	Register showing the disposals of Land Grabbing Cases (Register No.7A)	7
8.	Register showing the disposal of Land Grabbing Appeals (Register No.7B)	3
9.	Register showing the disposals of Transfer O. Ps. (Register No.7C)	3
10.	Register showing the disposals of Criminal Cases (Register No.7D)	3
11.	Register showing the disposals of Interlocutory Applications (Register No.7E)	3
12.	Register of S.Rs. (Register No.8)	3
13.	Court Fee Register (17) (Register No.9)	3
14.	Court Fee Register (18) (Register No.10)	3
15.	'A' Diaries from the date on which they close (Register No.11)	5
16.	Hearing Book (Register No.12)	5
17.	Copying Register 'A' (Register No.13A)	3
18.	Copying Register 'B' (Register No.13B)	3
19.	Register Containing Judgments-cum-Judicial Index (Register No.14)	Permanent
20.	Register Containing High Court Orders, Supreme Court Orders or Special Tribunal (Register No.15)	-do-
21.	Caveat Register (Register No.16)	5
22.	Register of Notice section	3
23.		5

Accounts Books other than Cash Book and Ledger, Register of applications for Return of Documents, Receipt Books for Documents returned to parties, Stationery, Postage, Accounts, Contingent Bills, and Registers, after Audit.		
Records Destruction Registers relating to Original Land Grabbing		
24.	Cases and Appeals, Interlocutory applications and Criminal cases and Land Grabbing Cases	25
25.	A.P. District Gazette	Permanent
26.	A.P. Gazette except Parts 1A-1B, II, III & IV	10
27.	Register of Petitions	12
28.	The complete list of the Records, Books or papers destroyed vide Rule 6 of the above rules.	Permanent
29.	Challan and Cheque Books	10
Pay Bills of other Classes of Government Servants and acquittance		
30.	rolls for Pay and Allowances (other than TA) when maintained separately	25
31.	Detailed Budget Estimates of an office	5
32.	Travelling Allowance and Acquittance Rolls relating thereto	3
33.	Statement of monthly progressive expenditure and correspondence relating to discrepancies in figures	2
Pay Bills and acquittance roll, where these are maintained separately		
34.	of Government servants for whom no establishment returns are submitted or no service books or service rolls are maintained	25
35.	Pay Bills and Acquittance Rolls where these are maintained separately of inferior Government servants	45
36.	Pay Bill register	35
37.	Acquittance Register of Pay	35
38.	Pay Bills and Acquittance rolls of Government servants in last grade service	45
39.	Increments watch register	3
40.	Register of periodical increments sanctioned	3
41.	Register of LPC's issued	3
42.	Office copies of schedules of GPF/PLI 3 and other deductions	3
43.	T.A. Bill Registers	3
44.	Register of tour advances and advance on transfer and LTC	1 year after recovery of all amounts entered in it
Pension cases (including service book and leave accounts attached to them) in which invalid or compensation pensions have been sanctioned		
45.		25
46.		10

Other pension cases (included service books and leave accounts attached to them) after retirement of the Government servant concerned or settlement of pension cases.	
47. Permanent advance register	3
48. Acknowledgement of permanent advance	3
49. Register of contingent charges (APFC Form-VII)	3
50. Register of un-disbursed pay etc.	3
51. Receipted challans retained in the District Treasury	3
52. Register of receipt and repayment of deposits in respect of all civil deposits	10
53. Weekly statements showing receipt and repayments of Civil Court deposits	3
54. Ledger in Form TA 22	10
55. Statement obtained from the bank for reconciliation	3
56. Register of A.Gs. authorisation	3
57. Register of A.Gs. audit objections	3
58. Stock Register, cheque book and pass book	3
59. Register of cash orders	10
60. District Posting register of stamps	3
61. Stamp account received from Sub-Treasuries	3
62. Half Yearly physical verification certificate	3
63. Correspondence with the High Court on important matters and the orders of the High Court thereon including Admn. Reports received from the High Court and the Government	20 years from termination
64. Applications for leave and orders thereon, applications from candidates for employment and reports on applications not relating to Land Grabbing cases or proceedings in Court	1
65. Annual Establishment Return	35
66. Cases (including Service Books and Leave Accounts attached thereto) in which valid or compensation pensions have been sanctioned including S.Rs.	25
67. Other pension cases and Leave Accounts attached thereto	5 years after retirement
68. Inward Register	5
69. Distribution Register	5
70. Register of Confidential papers	5
71. Register of Tappals dispatched by post	3
72. Register of Tappals by local delivery	3
73. Daily Stamp Accounts of service postage	3
74. Fair copy Register	3

75. Attendance Register	3
76. Casual Leave Register	3
77. Record issue Register	3
78. Register of books issued from the Library	3
79. Furniture Register	3
80. Gazettes	3
81. Indents for stationery articles	3
82. Stock Register of stationery	3
83. Invoices and advises relating to receipt and dispatch of stationery	3
84. Register showing hour etc., of handing over and taking back the sealed bag containing the key of the Record Room	1
85. Register of Service Books	5
Service Books of Government servants who are dismissed or whose probation have been terminated 5 years or after the Government Servant's decease whichever is earlier	
86. Service books of Government servants whose services are terminated by resignation, discharge without fault 5 years from the date of resignation of discharge, or settlement of pension which is later	
87. Service books of Government servant died while in service	Till settlement of family pension and payment of pensionary benefits
88. Establishment list	3
89. Certificate of transfer of charge	3
90. Register of Temporary Establishment	3
91. Personal files of retired and deceased public servants, after death.	5 years after retirement and one year after death.
92.	