

# **The Rules for the Destruction of Judicial Records, 1953**

MADHYA PRADESH

India

## **The Rules for the Destruction of Judicial Records, 1953**

### **Rule**

### **THE-RULES-FOR-THE-DESTRUCTION-OF-JUDICIAL-RECORDS-1953 of 1953**

- Published on 7 January 1954
- Commenced on 7 January 1954
- [This is the version of this document from 7 January 1954.]
- [Note: The original publication document is not available and this content could not be verified.]

The Rules for the Destruction of Judicial Records, 1953Published vide Notification M.P. Gazette, dated 7-1-1954

#### **1. Short title and commencement.**

- (i) These rules may be called The Rules for the Destruction of Judicial Records, 1953.(ii)They shall come into force at once.

#### **2. Records when to be destroyed.**

- All judicial records and registers which under these rules become liable to destruction, shall be destroyed as soon as the period of their retention has expired.

#### **3. Who and how to destroy.**

- The destruction of such records and registers shall be carried out by the Record-keeper under the supervision of the Presiding Officer of the Court concerned and in the case of the High Court under the supervision of the Registrar or the Deputy Registrar. All papers which are to be destroyed should be torn into small pieces, care being taken that all court-fee stamps have been duly cancelled. The torn papers shall then be disposed of to the best advantage, or as the Government may direct.

## 4. Arrangement of Records.

- All civil and criminal records shall be arranged in two parts-'A' and 'B'.

## 5. Arrangement of Civil records.

(a)in the case of Civil Records, Part 'A' shall contain the following papers :(i)the index of papers;(ii)the order-sheet or chronological abstract of orders;(iii)the plaint together with any schedule annexed thereto;Note. - In miscellaneous cases the petition or written application of the party setting the Court in motion will take the place of the plaint.(iv)written statements and pleadings of the parties;(v)the memorandum of issues with amended or additional issues, if any;(vi)all depositions of witnesses;(vii)all documents received by the Court during the trial as evidence between the parties including the copies of Civil, Revenue and Municipal Records;(viii)commissions, proceedings held thereunder and report of commissioners;(ix)application to refer to arbitration, the award or other final return of the arbitrators with the proceedings, depositions and documents submitted therewith, and any application to set aside the award with the order of the court thereon;(x)instruments of withdrawal, compromise or confession of judgment;(xi)the judgment or the final order;(xii)the decree and the application for amendment as well as the amended decree;(xiii)all notes in the handwriting of the Judge;(xiv)any order by the Court accepting an application for review of Judgment or new trial;(xv)judgment and decrees of appellate court, if any;(xvi)all orders passed in execution proceedings with all applications, objections, writs of which service has been effected, notice, reports and returns relating thereto;(xvii)all receipts and acknowledgements filed in execution proceedings;(xviii)applications of parties who are strangers to the suit with the Court's order thereon;(xix)orders of arrest or attachment before judgment with all documents relating thereto;(xx)application for review of judgment or for a new trial with the Court's order thereon, other than orders accepting such application.(b)In cases heard by a Court of Small Causes, Part 'A' shall contain the following papers;(i)index of papers;(ii)the order-sheet or chronological abstract of orders;(iii)the plaint with the papers annexed thereto;(iv)written statement and pleadings of the parties including any cross claim set up by the defendant by way of set off;(v)all documents received by the Court during the trial as evidence between the parties;(vi)any award of arbitrators or deed of withdrawal, compromise or confession of judgment;(vii)the judgment or other final order;(viii)the decree;(ix)all notes and depositions of witnesses in the handwriting of the Judge;(x)any application for review of judgment or for a new trial with the Court's order thereon;(xi)any order passed by the High Court as a Court of reference or revision;(xii)all orders passed in execution proceedings with all applications, writs of which service has been effected, notices, reports and returns relating thereto;(xiii)all receipts and acknowledgments filed in the execution proceedings.(c)In appeal cases, Part A shall contain the following papers;(i)index of papers;(ii)the order-sheet or chronological abstract of orders;(iii)the petition of appeal;(iv)the copies of judgments and decree of lower courts;(v)any cross objection tiled by the respondent under order XLI, rule 22 of the Code of Civil Procedure;(vi)issue referred for trial by the appellate court, with the evidence and findings thereon;(vii)commissioner's proceedings held thereunder, and reports of commissioners;(viii)any additional evidence, oral or documentary, admitted by the appellate court under Order XLI, rule 27 of the Code of Civil Procedure;(ix)application to the appellate court to refer to arbitration,

references, the award or other final return of the arbitrators, with the proceedings, depositions and documents submitted therewith and any application to set aside the award with the Court's orders thereon;(x)deeds of withdrawal, compromise, or confession of judgment;(xi)the judgment or other final order;(xii)the decree of the appellate court;(xiii)all notes in the handwriting of the Judge;(xiv)applications for review of judgment, with the Court's orders thereon;(xv)any judgment and decree of the superior court of appeal;

## **Part B – shall consist of all papers not included in Part A.**

### **6. Arrangement of Criminal Records.**

- In the case of criminal records, Part A shall contain the papers noted below;(a)In original cases tried by a Court of Sessions;(i)Index of papers;(ii)the order-sheet of chronological abstract of orders;(iii)the charge, original and as amended by the Sessions Judge;(iv)all depositions of witnesses and statements transferred from the file of the Committing Magistrate;(v)all documentary evidence;(vi)the final order;(vii)the finding of the assessors or the verdict of the jury;(viii)all notes in the handwriting of the Judge;(ix)the judgment or order of the High Court as a Court of appeal, reference or revision;(x)warrants returned after execution of sentence;(xi)all proceedings relating to realisation of fines.(b)In the Magisterial enquiries and trials;(i)the index of papers;(ii)the order sheet or chronological abstract of orders;(iii)the final police report (Challan) or petition of complaint;(iv)all depositions of witnesses and statements of accused persons;(v)all documentary evidence;(vi)the charge, where a formal charge is drawn up;(vii)the final order of the Court;(viii)all notes in the handwriting of the Magistrate;(ix)the judgment of the appellate court, if any;(x)the judgment of the High Court, in revision, if any;(xi)warrants returned after execution of sentence;(xii)all proceedings relating to realisation of fines;(xiii)bonds for good behaviour taken under Section 110 of the Code of Criminal Procedure.(c)In appeal cases;(i)the index of papers;(ii)the order-sheet or chronological abstract of papers;(iii)the petition of appeal;(iv)copy of judgment of the lower Court;(v)any additional evidence taken under Section 428 of the Code of Criminal Procedure;(vi)the final order of the Court;(vii)all notes in the handwriting of the Judge.

## **Part B – shall consist of all papers not included in Part A.**

### **7. Records to be preserved in perpetuity.**

- The following record shall be preserved in perpetuity;(i)Part A of all suits and appeals involving title to immoveable property as defined in Section 3 clause (18) of the Madhya Bharat General Clauses Act;Note. - In suits for arrears of rent or for share in the produce when the right is not disputed and only the amount is contested, clause (4) of rule 10 will apply.(ii)Part 'A' of all suits and appeals to the succession to an offence or to establish or set aside an adoption or. other-wise determine the status of an individual and of all suits and appeals relating to trusts of religious endowments;(iii)Records of attachment, sale and delivery of immovable property in execution of decrees including all objections, proceedings and orders thereon;(iv)Part 'A' of proceedings under the Indian Succession Act;(v)Part "A" of proceedings under the Indian Divorce Act;(vi)Insolvency

proceedings under the Insolvency Act, where the Court has decided a question of title to immovable property under Section 4 of the Act.

## **8. Records to be preserved for 50 years.**

- The following records shall be preserved for fifty years and shall then be destroyed;(i)Part "A" of proceedings under the Guardians and Wards Act;(ii)Records of Insolvency proceeding under the Insolvency Act, other than those falling within rule 7 (7) which have not been destroyed previously under rules 10 and 12. The period of fifty years shall be taken to run from the date of the order of adjudication;(iii)Part "A" of criminal cases in which any of the suspected persons have escaped apprehension, provided that whenever it is known that the offender of offenders on whose account such records as kept, are dead, the record may be destroyed;(iv)Part "A" of criminal cases in which a lunatic is concerned, unless the lunatic shall have been subsequently tried or have died.

## **9. Records to be preserved for 20 years.**

- The following records shall be preserved for twenty years and shall then be destroyed;(i)the charge, finding and sentence in cases in which conviction has been had of an officer under Chapters XII and XVII of the Indian Penal Code;(ii)Part A of criminal cases in which any public servant has been tried whatever may have been the result of the case;(iii)Part of all civil suits and appeals, other than suits and appeals falling under rule 7 where one of the parties is a minor suing or sued through a guardian under order XXXII of the Code of Civil Procedure.

## **10. Records to be preserved for 12 years.**

- The following records shall be preserved for twelve years and shall then be destroyed unless their preservation for a longer period is necessary on the special grounds noted below;(i)Part A of Sessions cases, provided that, if the sentence in cases has not been fully executed, records shall be preserved until the return of the warrant, and then destroyed;(ii)Part A of the cases under Chapter XXXV of the Code of Criminal Procedure, in which maintenance is awarded;(iii)all Insolvency proceedings where immovable property is involved. The period shall be taken to run from the date of the order of the Court declaring the insolvent discharged from the further liability in respect of the scheduled debts;(iv)Part A of all civil suits and appeals other than suits and appeals falling under rule 7, provided that, if the decree has not been fully executed or become incapable of further execution. Part A must be preserved until such time as the decree has been fully executed or become incapable of further execution.

## **11. Records to be preserved for 6 years.**

- The following records shall be preserved for six years only and shall then be destroyed unless their preservation for a longer period is necessary on any of the special grounds noted below:(i)Part A of cases tried by a Magistrate invested with powers under Section 30 of the Code of Criminal Procedure, in which he has inflicted a heavier punishment than might have been inflicted by a

Magistrate of the First Class, provided that, if the sentence has not been fully executed, the record shall be preserved until the return of the warrant and then destroyed.(ii)Records relating to the realisation of fines of criminal courts.

## **12. Records to be preserved for 3 years.**

- The following records shall be preserved for three years and shall then be destroyed;(i)all Insolvency proceedings where no immovable property is involved. The period shall be taken to run from the date of the order of the Court declaring the insolvent discharged from further liability in respect of the scheduled debts;(ii)Part A of criminal cases enquired into or tried by Magistrate and not otherwise provided for in those rules;(iii)Part A of Criminal appeal.

## **13. Records to be preserved for 1 year.**

- The following record shall be preserved for one year and shall then be destroyed :(i)Part B of all civil and criminal cases, appeal and revisions, provided that, Part B of civil cases and civil appeals in which a first or second appeal lies shall not be destroyed until the period of limitation for instituting such an appeal has expired or until the appeal, if instituted, is decided by the Appellate Court;(ii)proceedings of the other court's Officers and forwarding notices, proclamations calling for records, etc.

## **14. Computing the period prescribed heretofore.**

- The period prescribed above shall, except in case noted below, be taken to run from the date of the final order of the Court of the first instance or in the event of an appeal, from that of the decisions of the appeal.In cases under Chapter XXXV of the Code of Criminal Procedure in which maintenance is awarded, the period shall be taken to run from the date of the last order passed for the enforcement of the award.

## **15. Procedure after destruction.**

- (i) When under the above rules the whole of the papers of Part A of the record are destroyed, a note to that effect shall be made in the relevant register.(ii)When only some of the papers of Part A of the record are destroyed and some are retained according to the above rules, a note of the papers destroyed shall be made at the time of destruction on the fly index of the case.(iii)Record-keeper shall arrange all old records in Part A and B and such parts shall be destroyed in accordance with the above rules.(iv)All notes made under the above instruction in this rule shall be attested by the Record-keepers.(v)No note whatever need be made of the destruction of Part B of a record. Such destruction will be presumed to have been effected in accordance with rule 14 above.

## **16. Documents in Part A belonging to private person or Government.**

- Before destroying Part A of any judicial proceeding care must be taken to separate and remove from the record all documents belonging to private persons or to Government as a party to the proceedings, which have not been superseded by the decree or impounded in the cases in which they were produced and tied up in separate parcel and notice shall wherever practicable be given to the persons who produced them in Court requiring them to take back in to their own keeping within six months from the date of the notice and warning them that they will be kept at their risk and the court declines all responsibility for them. Copies of this notice should be put in a conspicuous place of the Court house.

## **17. Register to be preserved in perpetuity.**

- The following Registers shall be preserved in perpetuity : (i) Registers of suits and cases of all kinds, civil and criminal; (ii) Record Registers; (iii) Confiscated Property Register; (iv) Library (Books) Register.

## **18. Registers to be preserved for 50 years.**

- The following registers shall be preserved for 50 years from the date of last entry and shall then be destroyed : (i) Receipt and Despatch Registers; (ii) Register of Property received into the Nazir's store room.

## **19. Registers to be preserved for 12 years.**

- The following judicial registers shall be preserved for 12 years from the date of last entry and shall then be destroyed : (i) Register of judicial fines.

## **20. Registers to be preserved for 6 years.**

- The following registers shall be preserved for six years from the date of last entry and shall then be destroyed : (i) Register of payments of stamp duty and penalty; (ii) Register of warrants executed by bailiffs; (iii) Register of files taken out from the record room for reference.

## **21. Registers to be preserved for 3 years.**

- The following registers shall be preserved for three years from the date of last entry and shall then be destroyed : (i) Register of dates fixed for trial of suit, appeal and for cases for execution of decrees; (ii) Register of process served by each peon; (iii) Register of dates fixed for trial of suits, appeal and cases; (iv) Register of prisoners under trial; (v) Register of applications for copies; (vi) Register of Inspection Notes; (vii) Court-fee stamp register.

## **22. Destruction of account books and other correspondence papers.**

- So far as the destruction of Account Books and other correspondence papers etc., is concerned the rules framed by the Government shall be followed.

## **23. Appeals to include Revisions.**

- Wherever the word "appeal" occurs in these Rules it shall also include revisions.

## **24. Acts, Rules, Notifications etc. to be included.**

- A reference to certain Madhya Bharat or Indian Acts, of these Rules, shall also include all corresponding Acts, Rules, Circulars and Notifications, on the subject issued by the various Covenanting States.

## **25. Repeal of previous rules.**

- All previous Rules, Notifications, Orders, Circulars on the above subject issued by a competent authority in various Convenanting States shall be deemed to have been repealed.