

PART C-THE DESTRUCTION OF RECORDS

Rules framed by the High Court under Section 3 of the Destruction of the Records Act, 1917, with the previous approval of the State Government.

PART I - General

Destruction of records to be made in accordance with the following rules.

1. All judicial records, books and papers in respect of which the period, hereinafter prescribed, for their preservation has expired, shall be destroyed in accordance with the direction contained in the rules next following. Provided that the Registrar Judicial may order for reasons to be specified, that any particular paper or the record of any particular case be preserved beyond such period.

Supervision of destruction.

2. The destruction of judicial records, books and papers, shall be carried out from time to time as may be necessary; and, subject to the general superintendence of the Registrar Judicial, shall be supervised by such officer, hereinafter called the supervising officer, as may be appointed by the Chief Justice and the Judges for the purpose.

Manner of destruction of records and stamps.

3. (i) The destruction of judicial records including all Court-fee Stamps affixed, books and papers shall be effected in the presence of the supervising officer after preserving the records for a period of 6 years by shredding so as to render it unlikely that all such documents may be used again subject to Rule 9 to 11 of these Rules.

Sale of papers destroyed and credit of sale price.

(ii) The paper, after the supervising officer has certified that the destruction has rendered such judicial records, books and papers of no value, shall be sold as waste, under the orders of the Registrar, and the proceeds of the sale shall be certified in the treasury to Government.

PART II - Judicial Records

Division into parts 'A' and 'B'.

4. Every judicial record shall, for the purposes of these rules, consist of two parts, namely (1) Part A and (2) Part B. Every document admitted to such records shall be marked with the letter A or the letter B according as it belongs to Part A or Part B, and shall be placed with such file and shall without delay be entered in the general index prefixed to each such record.

Part A of Civil Judicial record.

5. Part A of a civil judicial records shall consist of the following documents, namely:-

(a) In original suits

(1) The tablaq or envelope containing particulars of the case and a brief abstract of the orders in English.

(2) The index of papers.

(3) The order sheet.

(4) The plaint, together with any schedule annexed thereto, and all documents, whether original or copies, filed with the plaint.

Note.- In miscellaneous cases the petition or written application of the party setting the Court in motion will take the place of the plaint.

(5) The written statements and pleadings of the parties.

(6) Applications of parties who are strangers to the suit, with the Court's order thereon.

(7) Orders of appointment, removal or discharge of a guardian or next friend.

(8) The memorandum of issues, with amended or additional issues, if any.

(9) All depositions of witnesses.

(10) Order for finding a witness.

(11) All documents or certified copies thereof received by the Court during the trial as evidence between the parties.

(12) Order impounding a document.

(13) Commissions, proceedings, held thereunder and reports and examination of Commissioners.

(14) Affidavits.

(15) Reports furnished by the record department.

(16) Applications to refer to arbitration, references 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 Court's orders thereon.

(17) Instruments of withdrawal, compromise or confession of judgment.

(18) Orders of arrest or attachment before judgment with all documents relating thereto.

(19) Interlocutory orders of the Court.

(20) The judgment, translation thereof (if any), or other final order.

(21) The decree and all documents relating to the preparation or amendment thereof.

(22) All notes in the handwriting of the Judges.

(23) Application for the re-admission of a suit dismissed for default or for the re-hearing of a suit decreed ex-parte.

(24) Applications for review of judgment with the Court's orders thereon.

(25) All receipts and acknowledgements filed in execution proceedings.

(26) Petitions for substitution, addition or striking out of names of parties or for substitution of the names of the heirs of a deceased plaintiff or defendant, if allowed.

(b) In Appeals and Miscellaneous cases (including Reference and Revision proceedings)

(1) The tablaq or cover containing particulars of the case and brief abstract of orders in English.

(2) The index.

(3) The memorandum of appeal.

(4) The notice, with report of service, in ex-parte cases.

(5) Memorandum of objections under Order XLI, Rule 22 or 26 of the Civil Procedure Code.

(6) The finding on issues referred to the lower court for trial under Order XLI, Rule 25 of the Civil Procedure Code.

(7) Security bond for costs filed by the appellant.

(8) Petitions for substitution, addition or striking out of names of parties or for substitution of the names of the heirs of a deceased appellant or respondent, if allowed.

(9) Depositions of parties or witnesses taken in this Court or by the lower Court on remand.

(10) Order for finding a witness.

(11) Commissions, proceedings held thereunder and reports and examinations of commissioners.

(12) Order of appointment, removal or discharge of a guardian or next friend.

(13) Documents filed by the parties.

(14) Order impounding a document.

(15) Affidavits, except those presented with applications which are rejected.

(16) Applications to refer to arbitration, references to arbitration, the award or other final return of the arbitrators, with the proceedings, depositions and documents submitted therewith, and any applications to set aside the award with the Court's orders thereon.

(17) Instruments of withdrawal, compromise or confession of judgment.

(18) Interlocutory orders.

(19) The Court's judgment, translation thereof (if any), or final order.

(20) The decree and all documents relating to the preparation or amendment thereof.

(21) Application for re-admission of an appeal, application or petition dismissed for default, or for the re-hearing of an appeal, application or petition decreed *ex-parte* with final order thereon.

(22) Application for review of judgment with final order thereon.

(23) Application for revision under section 44 of the Punjab Courts Act.

(24) Judgment and final order on applications referred to in (21) to (23).

(25) Reference under Order XLI, Rule 1 of the Civil Procedure or other law with the final order.

(26) There copies of the printed record of Civil Appeal heard by the High Court.

¹⁶⁴/(c) *In Civil Writs:*

(1) The tablaq or cover containing particulars of the case and brief abstract of orders in English.

(2) The index.

(3) The petition together with any Schedule annexed thereto.

- (4) The reply or the written statement and pleadings of the parties.
- (5) Documents filed by the parties.
- (6) Order impounding a document.
- (7) Affidavits except those presented with applications which are rejected.
- (8) Depositions of the witnesses.
- (9) Commissions, proceedings held thereunder and reports and examinations of commissioners.
- (10) Interlocutory orders.
- (11) Instruments of withdrawal, compromise or confession of judgment.
- (12) Court's judgment or final order.
- (13) Application for review of judgment with final orders thereon.
- (14) Notice with report of service, in ex-parte cases.
- (15) Application of for re-admission of petition dismissed in default or for the re-hearing of the petition decided ex-parte with final order, thereon.
- (16) Petitions for substitution, addition or for striking out of names of parties, with final orders thereon.
- (17) One copy of paper book in all cases in which a paper book is printed, cyclostyled or typed.

6. Subject to any direction by the Court to the contrary, Part B of a civil judicial record shall consist of all documents in such records as are not indicated in the preceding rule as belonging to part A.

Part B of Civil
Judicial record.

7. Part A or a criminal judicial record shall consist of the following documents, namely:-

Part A of
Criminal
judicial record.

- (a) In an original trial, of all papers.
- (b) In an appeal, reference and revision of-
 - (1) The tablaq or envelope containing particulars of the case and a brief abstract of the orders in English.
 - (2) The index.

- (3) The petition of appeal or revision or letter of reference.
- (4) Any additional evidence taken under the orders of the High Court on remand.
- (5) Translation of police reports.
- (6) Interlocutory orders of the Court.
- (7) Judgment and formal order of the Court, and translation of the same.
- (8) All notes in the handwriting of a Judge.
- (9) Copies of the judgments of the Lower Courts.

^[65](d) *In Criminal Writs:*

- (1) The tablaq or envelope containing particulars of the case and a brief abstract of the orders in English.
- (2) The Index.
- (3) The petition together with schedule annexed thereto.
- (4) Interlocutory orders of the Court.
- (5) Judgments or final order of the Court.
- (6) All notes in the handwriting of the Judge.
- (7) Copies of the judgments of the lower Courts.

Part B of
Criminal
Revision record.

8. Subject to any direction by the Court to the contrary, Part B of a criminal judicial record shall consist of all documents in such records are not indicated in the preceding rule as belonging to Part A.

What
documents in
Part A of
Judicial record
to be preserved
permanently.

9. The following documents belonging to Part A of a judicial record of a civil case shall be preserved permanently namely:-

In Civil Cases ^[66][including Civil Writs]

- (1) Index.
- (2) Civil Writ Petition or Memorandum of Appeal/Revision
with Judgments of the Courts below
- (3) Reply/ Written Statement.
- (4) Replication
- (5) All Interim orders
- (6) Final order

In Criminal Cases ¹⁶⁷⁷[including Criminal Writs]

- (1) Index.
- (2) Judgments/ Orders of the Court.
- (3) Petition.
- (4) Reply, if any
- (5) Judgment of the Courts below and Memorandum of Appeal/Petition preferred in the High Court.

Records to be preserved for thirty years.

10. Subject to the provisions of Rule 9, the Part A of all Civil / Criminal cases including Civil/ Criminal writ petitions shall be preserved for thirty years in digital/electronic form on Electronic Storage Media with mechanism of retrieval as and when required in term of the provisions of information Technology Act, 2000.

Record to be preserved for twelve years.

11. Subject to the provisions of Rule 9, records of all cases shall be preserved for six years.

11-A. Deleted.

Time of destruction of Part B.

12. Deleted.

13. Part B of a judicial record and applications of a miscellaneous character filed with such record shall be destroyed before such record is consigned to the record-room; provided that, where an appeal lies to the Supreme Court, Part B of the record of such appeal shall be preserved until the period for the presentation of an appeal has expired, or where an appeal has been made, till the judgment of the Supreme Court has been communicated to this Court:

90 days
Civil & Crl.

Provided also that when a case in this Court has been dismissed for default or heard ex-parte, Part B of the record shall not be destroyed until the expiry of six months from the date of the decision:

Provided further that a Power of Attorney filed in a Civil Appeal in which a Letters Patent Appeal lies to the High Court shall be preserved until the period for the presentation of a Letters Patent Appeal has expired, or whether an appeal has been made till the judgment therein has been pronounced.

13-A. **Record of caveat-** Record of Caveat shall be kept for one year after expiry of 90 days and thereafter the same shall be destroyed

Date from which period to be reckoned.

14. The period in these rules for the preservation of judicial record shall be reckoned from the date of the final order of the Court in the case.

Note of destruction to be made in registrar, etc.

15. A note of every judicial record destroyed under the provisions of these rules shall be made, under the signature of the supervising officer, at the time of destruction in the register in which the case is entered, and also in the general index prefixed to such record.

Private Government documents and impounded documents how to be dealt with.

16. (i) Documents belonging to private persons or to Government as a party to the proceedings or which have been impounded in the cases in which they were produced shall not be destroyed, but shall be dealt with in the manner provided by the clauses of this rule next following.

(ii) When the period prescribed by these rules for the preservation of Part A of a judicial record has expired, and before such part is destroyed all document of the nature specified in clause (i) of this rule shall be removed therefrom and kept till application is made for their return.

(iii) A document shall not be returned within the period specified in Order XIII, Rule 9 of the Code of Civil Procedure, until a certified copy thereof has been delivered to be substituted for the original, nor shall a document be returned which has been ordered to be impounded or which has, by force of a decree or order of the Court, become void or useless, or which is required by law to be filed and preserved, e.g., a will under Section 294 of the Indian Succession Act, XXXIX of 1925.

PART III

Classifica-tion.

17. The registers of the court shall, for the purposes of these rules, be divided into three classes, namely:-

- A. - Primary.
- B. - Subsidiary.
- C. - Statistical.

All the registers shall be maintained in English.