RECORDS MANAGEMENT IN COURTS

WHAT IS INFORMATION AND RECORDS MANAGEMENT?

- Information and Records management is <u>the collective terms for the procedures by which an organization –</u> *manages,*

  controls and

  uses its information assets.

- It <u>covers information and records in all media</u> and <u>relates to how information is</u> *gathered, processed, stored , accessed, used, shared* and ultimately, *when and how it is either permanently preserved or destroyed.*

- Records management refers to –
- a set of activities required for –
- systematically controlling the
  creation,

  distribution,

  use,

  maintenance and

  disposition

  <u>of recorded information maintained as evidence of business activities and transactions</u>.

WHAT IS A RECORD?

- Not all documents are records.

- A record is a document consciously retrieved as evidence of an action. Records management systems generally distinguishes between records and non records.

- Many systems, especially for e-records, require documents to be formally declared as a record so that they can be managed. Once declared a record, cannot be changed and can only be disposed of within the rules of the system.

Need for Records Management

Lack of standardization and control to the creation of forms and directives

Lack of uniform classification and filing system

Lack of systematic and orderly transfer of inactive records

Lack of storage space and filing equipment

Loss or misfiling of records

RECORDS MANAGEMENT SOCIETY (RMS)

Championing the status of information and records management through representations, external liaison and promotion.

Supporting promotional development through sharing knowledge and expertise

Promoting all aspects of good information and records management practice

Mutually beneficial collaboration with other organizations

ELECTRONIC RECORDS MANAGEMENT (ERM)

- It ensures that the organization gets the record it needs when they are needed.

- Records management is primarily concerned with the evidence of an organization's activities and is usually applied according to the value of the records rather than their physical formats.

- Essential records management capabilities include -

  1. assigning unique identifiers to individual records,

  2. providing safeguards against unauthorized changes being made to those records, and

  3. creating an unbreakable audit trail for reasons of accountability and eDiscovery.

ELECTRONIC RECORDS MANAGEMENT (ERM)

Unique identifiers are usually generated within a database <u>for system administrators and tracking purposes</u>.
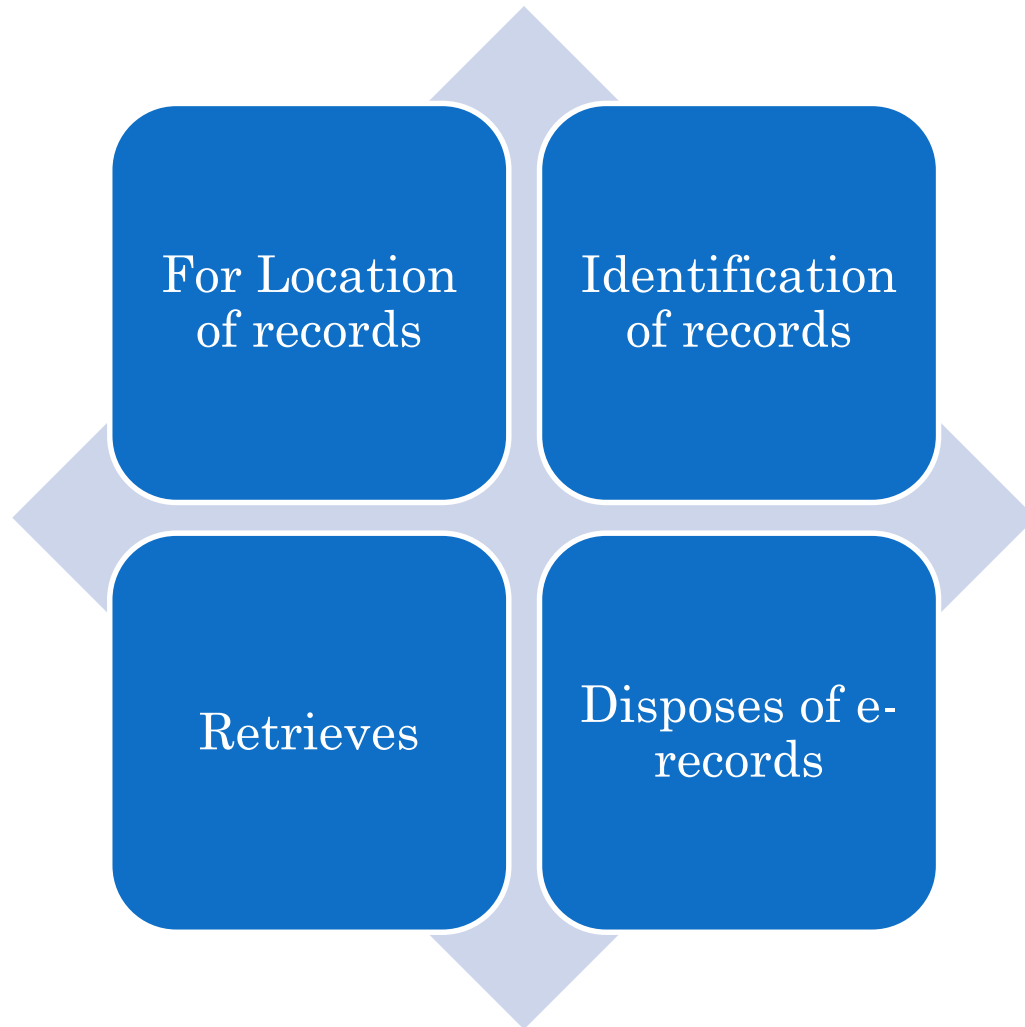
Unauthorized changes are prevented by implementing <u>airtight manual procedures or by using software applications,</u> (Encryption/ digital signature) to keep a document from being modified once after declared as a record.

Audit trail guarantees an <u>enforceable chain of custody </u>by making it possible to know what a record said at a particular time, how the content of it evolved to that point and who was involved with it.
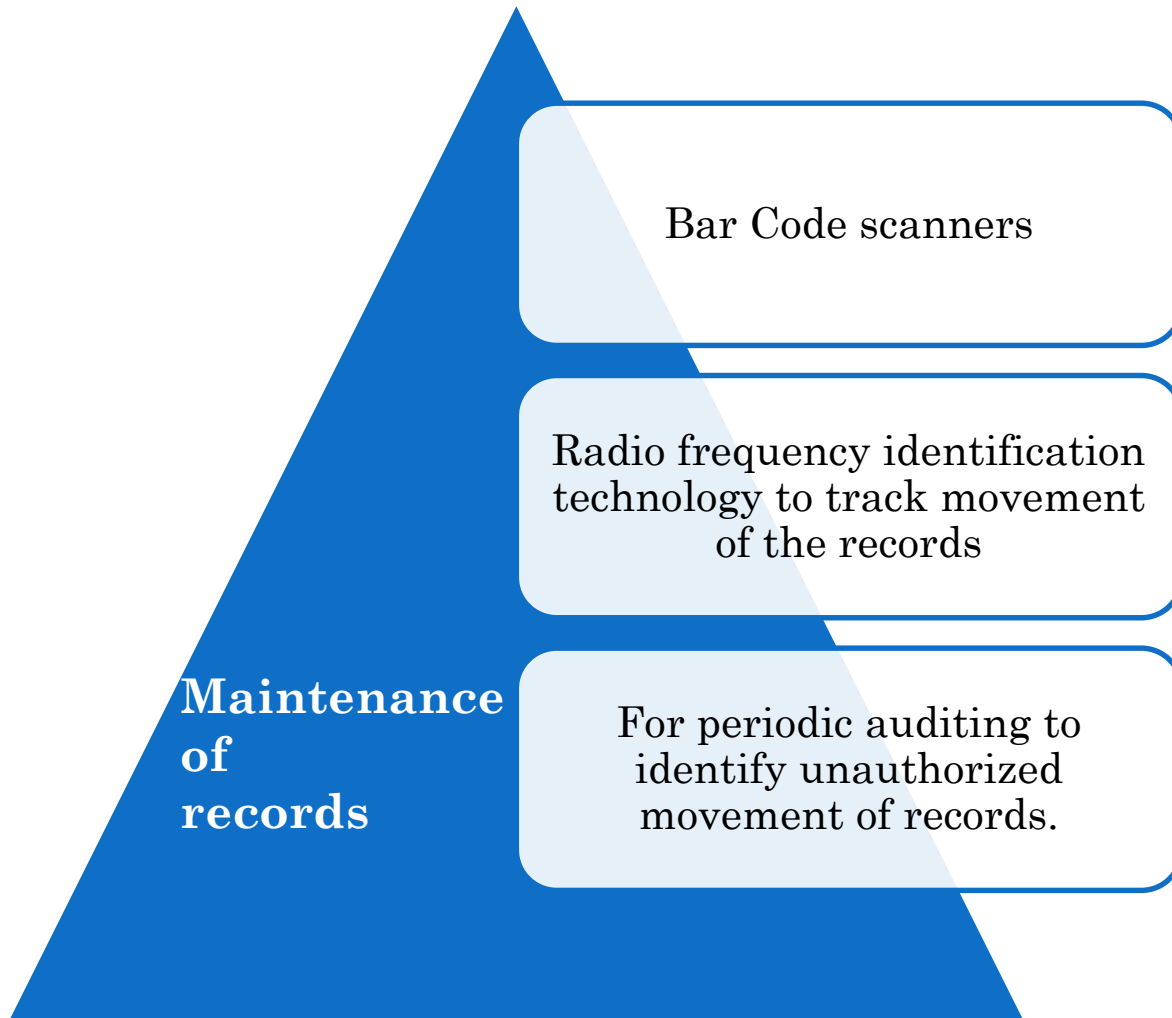
For *long term accountability* as records are to be kept literally for decades/ eternity - Imperative <u>Periodical refreshment and migration to electronic records.</u>
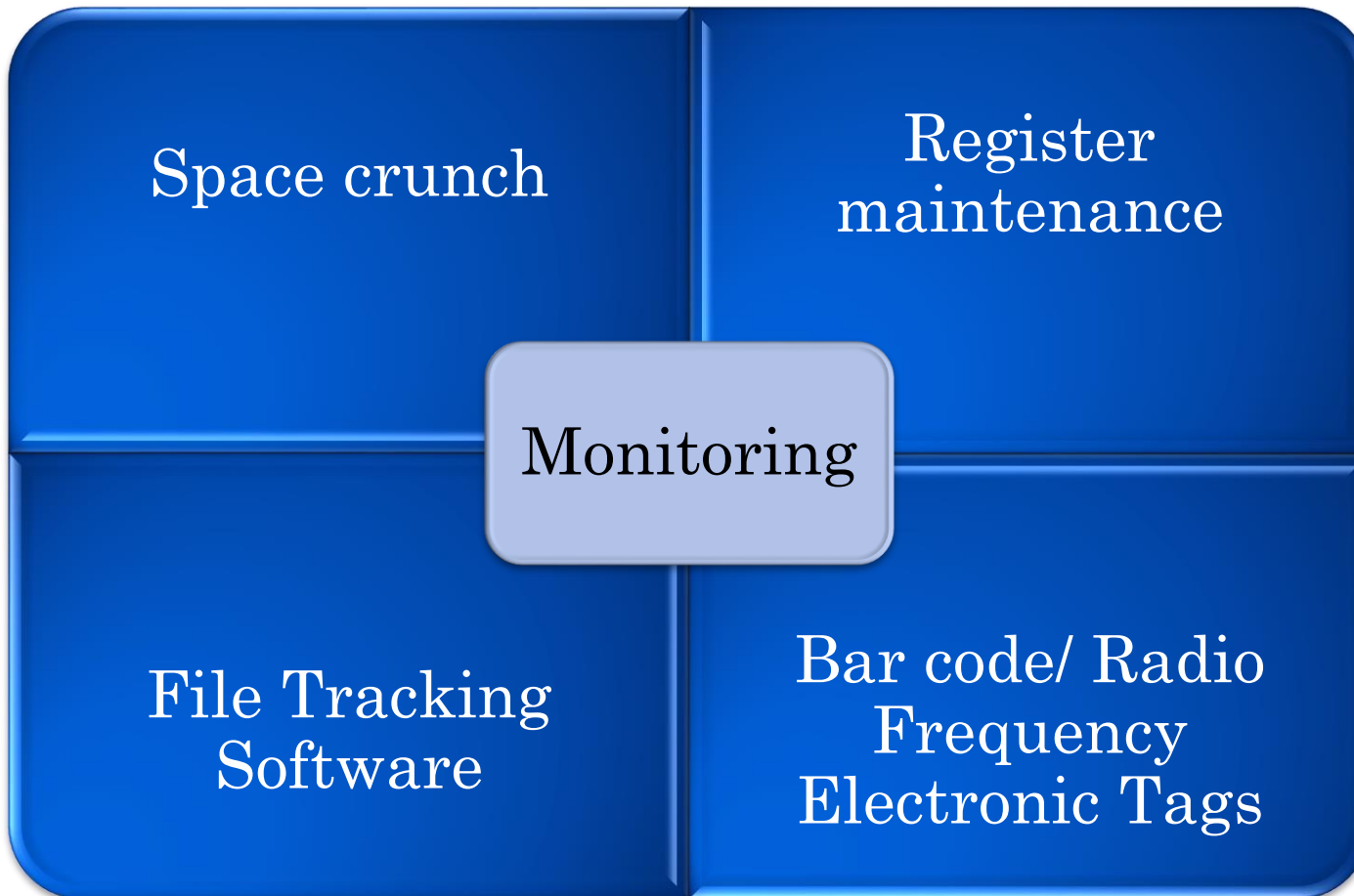
RECORDS MANAGEMENT APPLICATION (RMA)

For Location of records

Identification of records

Retrieves

Disposes of e-records

MAINTENANCE OF RECORDS

Maintenance of records

Bar Code scanners

Radio frequency identification technology to track movement of the records

For periodic auditing to identify unauthorized movement of records.

WHY DIGITALIZATION OF RECORDS?

Space crunch

Register maintenance

Monitoring

File Tracking Software

Bar code/ Radio Frequency Electronic Tags

DISPOSAL OF RECORDS

- Disposal doesn't mean destruction.

- It can be a transfer to a historical archive, private individual.

- It ought to be authorized by law, statute ,regulation or operating procedure

- Process – to be well documented

- Record retention schedule

- Policies and procedures to be approved at the highest level

- Inventory of disposed of record be maintained imperatively

- Certificate of destruction

- Pulverization/ paper shredding on incineration.

CIVIL MANUAL
(CHAPTER XXIV – RECORDS : RULES 462- 490)

CLASSIFICATION OF RECORDS

Class I

1. All regular Suits

2. Proceedings under the Hindu Marriage Act, The Indian Succession Act, the Payment of Wages Act, the Workmen's Compensation Act, the Guardians and Wards Act, the Lunacy Act

References under the Land Acquisition Act, insolvency applications under the Provincial Insolvency Act

3. Such other cases as the HC may direct to be included in this class

Class II

1. Proceedings in execution of decrees

2. Small Cause Suits

3. Miscellaneous proceedings not included in Class I

CIVIL MANUAL

Arrangement of Records in Files (For the records mentioned in Class I) (Rule 464)

- File A – 4 items, i.e. Plaint/ petition, Judgment or Final Order etc.
- File B – 10 items, i.e. Written Statements , Interrogatories and their answers etc.
- File C – 5 items, Oral evidence, Documents admitted in evidence etc.
- File D – 10 items, i.e. List of Witnesses, Power of Attorney etc.

Preparation of Record (Rules 465 – 467)

Documents (Rules 468 – 479)

- **Custody of Records (Rules 480 – 484)**
- **Arrangement of Records in the Record Room (Rules 485 – 489)**

CIVIL MANUAL

Preservation and Destruction of Records

(Rule 490)

- **File A** – To be preserved for ever
- **File B** – To be destroyed at the end of 30 years
- **File C** – To be To be destroyed at the end of 12 years
- **File D** - To be destroyed at the end of 3 years

Rule 490 (8)

- Enlists 25 records that are to be destroyed after a period of 6 years.

- i.e. Account Books of Postage Stamps, Post-books (tapal books),
- *Sine die* lists,
- The diary of miscellaneous work, Applications for copies and translations etc.

CRIMINAL MANUAL

CHAPTER XXI – RECORDS, CUSTODY AND RETURN OF RECORDS

Part I – Maintenance and Destruction of Records (Rules 361-363)

Part II – Papers not forming part of court proceedings (Rules 364 – 367)

Part III – General Rules (Rules 368 – 376)

Part I – MAINTENANCE AND DESTRUCTION OF RECORDS

<u>Arrangement of Records – Four Files marked as "A", "B", "C", and "D"</u>

File "A" - To be preserved permanently

File "B" - To be destroyed after 30 years

File "C" - To be destroyed after 5 years

File "D" - To be destroyed after 6 months

List "A" - 2 Items

i.e. Judgments of Court of Session and Papers of historical or scientific value

List "B" - 5 Items

i.e. Judgment of all Courts, Final orders etc.

List "C" - 20 Items

i.e. Roznama, Orders sanctioning prosecution etc.

List "D" - 14 Items

i.e. Vakalatnamas and Memos of appearance, Remand Orders etc.

CRIMINAL MANUAL

PART II – PAPERS NOT FORMING PART OF COURT PROCEEDING

A- REGISTERS

1. The ones to be preserved indefinitely,

2. The ones to be preserved for 30 years from the expiry of the last year of the Register in the same volume of Registers,

The ones to be preserved for 30 years from the expiry of the year of the Register,

3. The ones to be preserved for 6 years from the expiry of the year of the Registers)

B – STATEMENT AND RETURNS

1. The statements that are to be preserved for 6 years from the expiry of the period for which the statement is submitted

2. The Returns and Statements that are to be preserved for 6 months from the end of the month or quarter to which the Statement of return relates

C- MISCELLANEOUS PAPERS

1. The ones to be preserved for 30 years from the dates as specified

2. The ones to be preserved for 6 years from the dates as specified

3. The ones to be preserved for 6 months from the dates as specified

CRIMINAL MANUAL

PART III – GENERAL RULES

• Files A.B,C and D to be checked – to see all the papers on the record –

• if properly marked and kept in appropriate files –

• each file to be separately paged and indexed.

• All files pertaining to a particular case to be kept together in one bundle. etc.

Revamping of District & Subordinate Courts in Gujarat

- Revamping involves physical verification of all pending cases in all courts, data entry and updation of all Registers.

- Objective of Revamping- Reduction of arrears by targeting pendency and correction of data.

- Method of Revamping
  1. Physical verification of all pending cases (allotted to the court & pending in the registry) to ascertain various information by filling up of data sheet by experienced staff guided by Judicial Officer.
  2. Feeding data in the computer on the basis of physically filled-in data sheet.
  3. Codification/ classification of all cases by mentioning code numbers on the file as per comprehensive codes

Revamping of District & Subordinate Courts in Gujarat (Contd.)

4. Feeding Information in the Backlog data entry module of CIS. (In computers where data is already entered in Foxbase, the same need not be entered again in CIS Backlog Entry Module.

5. Validation of Code assigned and data entered in computer by Judicial Officer.

6. Manually write all required information in existing Registers and make them complete.

7. Missing files of existing matters to be located from entries of its respective registers/ memorandum registers.

8. All cases including unripe to be allotted to each court. A separate board can handle these unripe cases.

Revamping of District & Subordinate Courts in Gujarat (Contd.)

9. As far as possible all old matters pending for more than 10 years to be targeted.

10. Identify and take up all disposed off cases for classification, destruction and storage as per Manuals as well as for updation of relevant registers.

11. Effect of final order of case property(Muddamal) to be reflected in the register.

12. List of expedited matters by Supreme Court, High Court or District Court to be placed before the Principal District Judge.

BENEFITS OF REVAMPING

- Ascertain exact pendency of proceedings in all courts thereby providing crucial data for administration of justice

- Assignment of 10-digit comprehensive code would help in-
  - Bunching of cases falling under the same statute, section or filed by the same litigants enabling speedy disposal of cases
  - Creation of information which would be useful for court management & case management of subordinate courts.
  - By roster management, specialised assignment can be given to particular court and accordingly individual assessment or performance can be evaluated.

BENEFITS OF REVAMPING (CONTD.

- Enable reduction of pendency of old cases above 10 years by giving top priority and equal distribution amongst all courts.
- Identification of dormant/ stayed cases and cases wherein warrant/ summons are required to be served with coordination of police and/ or in case of dormant files, to be discussed with District Magistrate.
- To provide Case Status Information through SMS, Internet and IVR Telephone to the litigants.
- Enable monitoring of day-to-day functioning of each and every court
- To provide certified copies quickly.

REVAMPING EXERCISE
(IN JUDICIAL DEPARTMENTS OF HIGH COURT OF GUJARAT)

- **PHASE : I**

- **Duration** : From November 17, 2008 to December 31, 2009
- **No. of judicial proceedings (matters) revamped** : 84,630
- *Modus Operandi*: Physical verification of all pending proceedings

- **Objectives** :
- To update data of all proceedings in respective Registers. (After physical verification in conciliation of data available in the computer)
- To accomplish backlog data entry of pending proceedings filed before computerization.
- Assignment of classification of all proceedings.
- To update complete information of proceedings by appropriate data entry in the computer.
- Details of registration as well as disposal details of each proceedings by appropriate data entry in the computer as also to rectify data already fed in the computer.

- **Revamping Team** : 34 Members of staff (Further divided into 5 teams – monitored by one Assistant Registrar and one Civil Judge)

REVAMPING EXERCISE (PHASE : I)

Step 1

Physical verification of data –

to ascertain all information required to be entered in the Registers and Computer software.

The details included :

Case Number, Year, Classification Code, Status/stage of Pendency, Details of connected matters, Interlocutory applications filed within, Disposal details, if any.

Step 2

Verification of data and matching the same to see if any correction/rectification if required in the computer software.

Step 3

Manual updation/ completely entering all information in respective Registers

Applying a special seal on the back of the file cover of the proceeding

REVAMPING EXERCISE (PHASE : I)

- **As regards the data not found in the**
  - **Judicial Departments**

- Disposed of matters stored in the Decree Department/ Record Room were looked into (to find out information pertaining to disposal)
- i.e. Date of Order/Judgment, Coram, Type of Judgment and disposal etc.

- **Benefits of Revamping**
- 84,630 matters revamped
- Six Digit classification code
- Updation of data in computer
- Reduction of pendency in the computer by 36,365

REVAMPING EXERCISE (PHASE : II)
CLASSIFICATION AND DESTRUCTION OF DISPOSED OF MATTERS

- About 5 lac disposed of matters
- 20 retired personnel of High Court of Gujarat participated in this work full time
- 30 regular and willing staff members worked beyond officer hours and full time on holidays
- Work was carried out on payment basis – charges fixed by the Steering Committee of High Court of Gujarat
- Exercise was concluded on November 30, 2009

  - ### Benefits

- Reduction in pendency figures by 38,365
- Placement of infructuous matters before Courts
- Availability of space for proper allocation to Departments and storage of disposed of matters
- Reduction in pendency of applications for issuance of Certified copies

FOR AN EFFECTIVE MAINTENANCE AND PRESERVATION OF MATTERS IN THE COURTS

- Codification and classification of records is *sine qua non.*
- District wise – Standardized modules can be devised
- Also, "Hash values" are a useful tool for the examination, discovery and authentication of electronic evidence

- **Hash Value** -
- A unique numerical identifier that can be assigned to a file, a group of files, or a portion of a file, based on a standard mathematical algorithm applied to the characteristics of the data set.

IN A NUTSHELL

The ultimate test of a good records management program is whether the records are –
available to those who need them, when and where they are needed **(effectiveness)**,
the manner in which they are made available **(efficiency),**
and at what cost **(economy).**

Thank You