

CHAPTER XV

DESTRUCTION OF RECORDS

1. Unless otherwise ordered by the Court, all original documents including translations and copies of judgments, decrees, orders and other papers, which are not required to be preserved, shall be returned to the party producing them after the expiry of the period for filing an appeal or if an appeal is filed, after the disposal of the appeal. The rest of the papers shall be marked, classified and arranged in files for the purpose of despatch to the Record Room as prescribed below.

2. (i) The papers which are required to be preserved permanently shall be marked "A" and kept in File "A"

(ii) The papers which are required to be preserved for 30 years shall be marked "B" and kept in File "B"

(iii) The papers which are required to be preserved for 5 years shall be marked "C" and kept in File "C"

(iv) The papers which are required to be preserved for 1 year shall be marked "D" and kept in File "D".

3. (i) Papers to be preserved permanently. — The following papers shall be permanently preserved :—

(1) all judgments, decrees and final orders of the High Court, except orders summarily dismissing appeals or applications.

(2) All registers of appeals and applications, including Writ Petitions.

(3) Such papers, in cases of historical, sociological or scientific value, as in the opinion of the Registrar, should be permanently preserved.

(4) Judgments, decrees and final orders of the Supreme Court in cases decided by the Bombay High Court.

(5) Files containing original judgments signed or initialed by the Judges.

¹[(6) Minutes and important correspondence.]

¹[(7) Inspection notes and important correspondence made on the basis of inspection notes which have entitled administrative representation, departmental enquiry or proceedings.]

¹[(8) Original memoranda of appeals, and cross objections, and original revision applications, references and applications for review, without annexures.]

¹[(9) Applications under Articles 226 and 227 of the Constitution without annexures.]

(ii) Papers to be preserved for 30 years. — The following papers shall be preserved for 30 years :—

- (1) Judgments and/or orders of High Court summarily dismissing appeals and applications.
- (2) Paper-books or prints in cases in which a sentence of death or imprisonment for life is passed
- (3) Writs communicating final orders in applications decided under Articles 226 and 227 of the Constitution.
- (4) Farad Files, except farads of applications for interlocutory orders and applications necessary for the progress of the main proceeding.

(iii) Papers to be preserved for 5 years. — The following papers shall be preserved for 5 years :—

- (1) Paper-books other than those specified above in matters heard by the High Court.
- (2) Applications for interlocutory orders, applications necessary for the progress of the proceedings and applications for certificate for leave to appeal to the Supreme Court or to the High Court under the Letters Patent.
- (3) Applications for transfer, bail or stay of proceedings,
- (4) Faradas and Orders made by the High Court in interlocutory applications mentioned in items (2) and (3) above.
- (5) Reports called for from the lower Courts.
- (6) Writs Communicating final orders to the lower Court except interlocutory orders and orders in Writ Petition.
- (7) ²[Deleted]
- (8) ²[Deleted]
- (9) Printed copies of the transcript record of the Supreme Court.
- (10) Ferists and receipts of Records and Proceedings by the lower Courts.

1. Inserted by Notification No. Rule-P.3601/2022, dated 24th June, 2022 published in M. G. G. Part IV – C Ext. Ord. dated 30th June, 2022 pg. 2
2. Deleted by Notification No. Rule-P.3601/2022, dated 24th June, 2022 published in M. G. G. Part IV – C Ext. Ord. dated 30th June, 2022 pg. 4

(11) Copies of judgments of lower Courts or-Tribunals against which appeals or applications have been made to the High Court.

(12) Objections to findings on issues called for by the High Court.

¹["(iii-A) Papers to be preserved for three years.— The following papers shall be preserved for three years:—]

²[(1) Minutes and Important Correspondence, Pertaining to Inspection Department. The same be kept in the form of the soft copy by scanning the record.

(2) Inspection Notes, minutes and important correspondence made on the basis of Inspection Notes, carried out by the High Court of Subordinate Courts.]

²(3) ¹[The inspection notes and replies to the questionnaire received from the District and Sessions Judges or inspecting District Judges be destroyed after three years from the date .of their full compliance by them on the lines of Rule I (returns) and Rule 23 (Annual Statements of the Administrative Reports) Rules, 1900.]

²[(4) Minutes, final orders passed on the Administrative Appeals and Representations and important correspondence. The Minutes, Final order and Important Correspondence, the same be kept in the form of the soft copy by scanning the record.

(5) The documents of Historical value or documents prior to 1950, if any, should be placed before the Committee for orders or after verifying its importance steps be taken for its destruction.]

(iv) Papers to be preserved for one year. —.The following papers shall be preserved for 1 year :—

(1) Writs communicating interlocutory orders of the High Court to the lower Courts.

(2) Applications for issue of processes, etc.

(3) Applications for stay of execution of orders passed by the lower Courts.

(4) Applications for bail.

(5) Presentation Forms.

(6) Examination Memos.

1. Inserted by Notification No. P. 3603/85, Dt. 21-8-1986.

2. Inserted by Notification No. Rule-P.3601/2021, dated 11th August, 2022 Published in M.G.G. Part IV – C Ext. Ord. dated 12th August, 2022
pg. 1

- (7) Vakalatnamas.
- (8) Orders appointing Advocates in criminal matters.
- (9) Notices and Returns thereto.
- (10) R. & P. Writs including requests for extension of time for certifying R. & P.
- (11) Requisitions for printing.
- (12) Writs sending down the issues.
- (13) Notices of receipt of Findings.
- (14) Correspondence relating to Jail Petitions.
- (15) Writs for bail, arrest, stay, production of accused in Courts and other interlocutory orders.
- (16) Press copies of the record of the lower Courts.

¹[**3-A.** (i) The papers in rejected matters including First Appeals, Second Appeals, Civil Revision Applications, Writ Petitions, Contempt Petitions etc. shall be destroyed after a period of two years from the date of the Order of their rejection, if they are not taken away by the parties or their advocates as provided in Rule 9 of Chapter V;

(ii) Before destroying the papers as stated above, the concerned Officer shall notify three months in advance giving details thereof such as stamp number, the names of the parties, the name of the advocate/advocates, the date of rejection etc, The notice shall be published on notice-board on conspicuous space and the copies of the notice shall be sent to the Advocates' Associations.

(iii) The Officer concerned shall ensure that Court Fee Stamps and Stamp Papers in all rejected matters to be destroyed are cancelled before destruction.]

4. Computation of period for the preservation of Record. — The period prescribed above for the preservation of the records shall be computed from the date of the final decision of the case and in case of appeal to the Supreme Court, from the date of the final decision of the Supreme Court.

4-A. A Board file shall be preserved for three years from the date of the last board in that file.

4-B. The outward register, the inward register and the stamp register shall be preserved for five years from the date of the last entry in that register.

5. All files pertaining to any particular case shall be kept in one bundle bearing the number of the proceedings. Each file shall be accompanied by list of the papers filed therein.

6. Register of cases of which the records are to be destroyed to be maintained in the Record Room, - A register in the form given below shall be maintained showing the numbers and years of appeals and other cases received in the Record-Room of which the records are to be destroyed. The entries for each year shall be signed by the Record-keeper and the Assistant Registrar:-

Serial Number of the case	District	Date of receipt in the Record Room	Date of decision	Dates when due for destruction	Dates when actually destroyed
1	2	3	4	5	6

7. Destruction of records to be carried out in the Summer vacation. —Notice shall be publicly given on the Court Notice Board that parties leave documents and papers with the records of case at their own risk and that they are liable to be destroyed in accordance with the rules for the destruction of records.

8. The destruction of records shall be carried out in the summer vacation each year. The records to be destroyed should, if they cannot be conveniently burnt, be torn up into very small pieces and made quite incapable of use again as documents. The fragments should be sold to the highest bidder, and the proceeds credited to Government

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