

Destruction of Records Rules, 1990

In exercise of the powers conferred by the Central Government under sub-clause(ii) of clause (c) of sub-section (2) of Section 3 of the Destruction of Records Act, 1917), the Chairman, Central Administrative Tribunal, hereby makes with the previous approval of the Central Government, the following rules to regulate the destruction of records, books and papers of all Benches of the Central Administrative Tribunal, namely;-

I. GENERAL 1. Short title and commencement - (1) These rules may be called Central Administrative Tribunal (Destruction of Records) Rules, 1990. (2) They shall come into force from the date of publication in the Gazette of India.

2. Definitions:- In these rules, unless the context otherwise requires,- (a) "Permanent preservation" means preservation for a period of 30 years. (b) "Supervising Officer" means an officer appointed by Chairman in the case of Principal Bench and by Vice-Chairman in the case of other Benches.

3. Preparation of index and separation of Parts. - After receipt of a judicial record in the record section a fresh index in the form contained in Annexure I will be prepared. The papers will be numbered and entered in the index under the appropriate part to which it belongs. The part to which a particular paper belongs shall be determined with respect to Annexure II enclosed to these rules.

4. Records when treated as having reached completion:- (a) The Judicial record in a case shall be treated as having reached completion on the date of the final order of the Bench or in the event of an appeal to the Supreme Court on the date of the final order of the Supreme Court, as the case may be. (b) In the case of registers and other papers in the Judicial and Administrative Branches the date of completion shall be the date on which the registers were closed and in the case of files and other papers, the date on which the final order was passed thereon.

5. Records when to be taken up for destruction:- All records registers/files shall be retained in the record room from the date of completion till the expiry of the period prescribed under these rules and on expiry of such period they shall be destroyed without fall: Provided that the Registrar of the Bench concerned or the Deputy Registrar authorized by him, may for reasons to be recorded in writing order that any particular paper or the record of any particular case be preserved beyond such period: Provided further that documents filed by any officer of Government or produced by such officer shall not be destroyed if not previously reclaimed, but shall invariably be returned to the office from which they were produced.

6. Supervision of destruction:- 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 Deputy Registrar (Judicial) and be supervised by such officer (hereinafter called the Supervising Officer), as may be appointed by the Chairman in the case of Principal Bench and the Vice-Chairman in the case of other Benches.

(i) Manner of destruction of records :- The destruction of judicial records, books and papers shall be effected in any of the following manner:- (a) tearing so as to render it unlikely that the documents so torn may be used again ; (b) tearing and burning it; (c) destroying with the help of a Paper Shredding Machine.

(ii) Sale of paper destroyed and credit of sale price:- The paper after the Supervising Officer has certified that the destruction has rendered such judicial records, books and papers of no value, unless the same is burnt shall be sold as waste under the orders of the Registrar and proceeds of the sale shall be credited to the receipt Head 070 other Administrative Service other receipts.

8. Notice before Destruction of records:- In January each year a notice specifying the documents filed by parties which will be destroyed during the ensuing year will be displayed on the Notice Board. A warning will be given that unless previously reclaimed by the party entitled before the due dates of destruction, the destruction will ensue. Return of documents to parties will be made under the orders of the Deputy Registrar.

II. JUDICIAL RECORDS :

9. Division of Records :- Every judicial record of Original Applications, Transferred Applications, Review Applications and Contempt Applications for the purpose of these rules shall consist of three parts, namely, Part I, Part II and Part III.

10. Period for retention of Parts I, II and III of the Judicial Record:- Part I of the Judicial Record shall be preserved permanently; Part II and Part III of a Judicial Record shall be destroyed after the expiry of 5 years and 3 years respectively.

11. Note of destruction to be made in register, etc:- Letter "D" with date indicating that a paper or record has been destroyed on that date may be made in red ink in the index of the respective case bundle as well as in the relevant column of the record register in which such paper or record is entered.

III OTHER JUDICIAL AND ADMINISTRATIVE REGISTERS AND PAPERS

12. Judicial Registers, Administrative and Accounts Registers, Statistical Registers and the papers and files maintained for administrative purposes are shown in Annexure Nos. III and IV respectively. These Registers/Papers will be destroyed after expiry of the periods mentioned in the said annexures.

13. Notwithstanding anything contained herein so long as an objection is outstanding and the Accounts have not been completely checked and accepted in Audit, they and the supporting documents should not be destroyed even though the period of preservation in the rules may have expired.

14. The period of retention in the record room for any Judicial Record, Judicial/Administrative Registers and papers not specified in the Annexures hereunder, shall be decided by the Registrar/Deputy Registrar with the approval of the Chairman in the case of Principal Bench and respective Vice-Chairman in the case of other Benches.