

THE GAUHATI HIGH COURT AT GUWAHATI
(THE HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

NOTIFICATION

HC.XI-03/2018/10/RC Dated 14.03.2019

The Gauhati High Court has been pleased to amend the Gauhati High Court Criminal Rules and Orders by incorporating the following provisions in connection with the destruction of Motor Vehicle Act case records and Excise Act case records in the Criminal Courts subordinate to the Gauhati High Court, as "**RULE 48**" in **Chapter 4** of the said Rules:

Rule. 48.

- (i) After recording of the respective proceedings in a Register, the format of which is shown below, to be maintained by the Office; the records pertaining to Motor Vehicle Act cases and Excise Act cases will be destroyed on expiry of 1 (one) year from the date of final Order by the Court of first instance.

Sl.No	Case details	Particulars of the parties	Date of Final Order	Date of destruction	Remarks

- (ii) The destruction of the case records pertaining to Motor Vehicle Act cases and Excise Act cases, where the final Order directs payment of any fine; the period of 1 (one) year shall commence from the date of payment of such fine.
- (iii) Before arrangement of the records in the record room, the Record keeper shall cause a list to be prepared and entered in a book of all unreturned exhibits to be kept in the following form:

Name of Court	Description, No. and Year of case	Nature of Documents	Name of persons filing	Name of Pleader	Date of Final order	Due date of destination

- (iv) To enable the parties who have filed documents in Court to withdraw the same before destruction, a final notice shall be published (similar to

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Form (P) 57 of the Civil Rules and Orders) on the Notice Board of the concerned Court in January and July of each year stating that all documents filed in this Case (to be therein enumerated) will, unless previously reclaimed, be destroyed after 1 (one) month of the date of notice. Such notice shall contain the name of the Court, the number of the case in which the document was filed, and the names of the parties and the pleaders. If the document was originally filed in any outlying Court, the notice should be sent for publication in the Court's office as well as at the District Judges's office.

- (v) On the expiration of one month from the date of publication of the aforesaid notice, all unreturned documents will be destroyed without fail and the date of destruction should be noted in the remarks column of the Register at Sl. No. 1:

Provided that documents produced in Courts by Government officials or sent for from other Courts or offices shall not be destroyed, but shall, if not previously returned, be transmitted to Courts or offices from which they came.

- (vi) Destruction of records should be carried out quarterly, and the Office shall in the first month of each quarter, should cause the cases records, as per the Register mentioned in Sl. No. (i), which are due for destruction to removed from their shelves for the purpose and submit a report to the Judge-in-charge who, on being satisfied that the work has been properly done, should give order as to the date of destruction. As each record is destroyed, the necessary entries should be made in the Register. Entries as regards the class of records destroyed during the quarter should also be made simultaneously in the Register.
- (vii) Useless records may be sold un-torn, but confidential records or private documents, such as exhibits, not taken back or returned, should be destroyed by shredding in a shredder machine in the presence of the Record Keeper.

By Order,
Sd/-

Robin Phukan

REGISTRAR GENERAL

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Memo HC.XI-03/2018/11-17/RC

Dated 14.03.2019

Copy to:

1. The Secretary General, Supreme Court of India, New Delhi.
2. The L.R. & Secretary to the Govt. of Assam, Judicial Department, Dispur, Guwahati.
3. The Secretary to the Govt. of Nagaland, Department of Justice and Law, Kohima.
4. The Secretary to the Govt. of Mizoram, Law and Judicial Department, Aizawl.
5. The Secretary to the Govt. of Arunachal Pradesh, Law and Judicial Department, Itanagar.
6. The Registrar (Vigilance)/ Registrar (Admn.)/ Registrar (Judicial)/Registrar (Estt.), Gauhati High Court, Guwahati.
7. The Registrar –cum- Principal Secretary to Hon'ble the Chief Justice, Gauhati High Court, Guwahati.
8. The Registrar, Gauhati High Court, Kohima Bench, Kohima/ Aizawl Bench, Aizawl/ Itanagar Bench, Naharlagun. *(He/ She is requested to circulate this Notification among all the District and Sessions Judges of the concerned State.)*
9. The District and Sessions Judge, Kamrup (Metro), Guwahati/Kamrup, Amingaon/Naibari/Barpeta/Bongaigaon/Dhubri/Kokrajhar/Goalpara/Darrang, Mangaldoi/Udalguri/Sonitpur, Tezpur/Lakhimpur, NorthLakhimpur/Dhemaji/Dibrugarh/Tinsukia/Jorhat/Sivasagar/Golaghat/Nagaon/Morigaon/Cachar, Silchar /Karimganj/ Hailakandi/ Chirang/Karbi Anglong/Dima Hasao/ Baksa. *(He/ She is requested to circulate this Notification to the Bar Association of the concerned District.)*
10. The Chief Judicial Magistrate, _____.
- ✓ 11. The Systems Analyst, Gauhati High Court, Guwahati, for uploading this Circular in the High Court website.
12. The P.S. to Hon'ble Mr./Mrs. Justice _____, Gauhati High Court, Guwahati.
13. The Librarian –Cum– Research Officer, Gauhati High Court, Guwahati.
14. The Secretary General, Gauhati High Court Bar Association.
15. The Secretary, All Assam Lawyers' Association.
16. The Secretary, Lawyers' Association, Guwahati.
17. The Secretary, Advocates' Association, Guwahati.
18. The C.A. to the Registrar General, Gauhati High Court, Guwahati.


REGISTRAR GENERAL

15-03-19