



GOVERNMENT OF KERALA

GENERAL ADMINISTRATION (CO-ORDINATION) DEPARTMENT

No.84393/Cdn.5/2014/GAD

Thiruvananthapuram, Dated:-09.02.2015

C I R C U L A R

Sub:- General Administration - Right to Information Act, 2005 - formulating record retention schedule for public authorities - direction issued - reg.

- Ref:-
- 1) Judgment of the Hon'ble High Court of New Delhi in W.P.(C) 3660/2012 dated 13.09.2013 in respect of RTI Act, 2005.
  - 2) Order of the Central Information Commission No. CIC/DS/A/2013/001788-SA dated 29.08.2014
  - 3) Letter No. 16609/G8-Admn/14/SIC dated 28.10.2014 from the Secretary, State Information Commission, Thiruvananthapuram.

Persuant to the judgment of Hon'ble High Court referred to 1<sup>st</sup> above the Central Information Commission in its order referred above has held that plea of public authority, that the file containing the information sought for is missing or not traceable cannot be deemed as a valid exemption by RTI Act and plea of 'missing file' /'file not traceable' tends to discourage the very object of the RTI Act, 2005. Unless proved that record was destroyed as per the prescribed rules of destruction/retention policy, it is deemed that record continues to be held by public authority. Claim of file missing or not traceable has no legality as it is not recognized as exception by RTI Act. By practice 'missing file' cannot be read into as exception in addition to exceptions prescribed by RTI Act. It amounts to breach of Public Records Act, 1993 and punishable with imprisonment up to a term of 5 years or with fine or both. Public authority has a duty to initiate action for this kind of loss of public record, in the form of 'not traceable' or 'missing'. Every public authority should prescribe the record retention schedule and any destruction of file shall be under competent administrative level with record showing that the file has been destroyed on the expiry of retention period or on such valid reason.

The State Information Commission has also recommended Government to issue directions to all Public sector units and Autonomous institutions in the state in this regard. In the light of the above, Government hereby directs all Public sector units and Autonomous institutions in the state to formulate a record retention schedule and to ensure that the records are destroyed only in accordance with such stipulation and also to publish the same in the official website of public authorities.

P.S.GOPAKUMAR

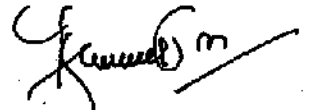
Special Secretary to Govt.

To

The Secretary, State Information Commission, Thiruvananthapuram.  
All Departments in Government Secretariat

All Public Sector Undertakings.  
The Registrar, University of Kerala/Kochi/Calicut/Mahatma Gandhi/Kannur  
The Registrar, Kerala Agricultural University, Mannuthi, Thrissur.  
The Registrar, Sree Sankaracharya University of Sanskrit, Kalady, Aluva.  
The Registrar Thunchathu Ezhuthachan Malayalam University,  
Thiroom, Malapuram.  
The Registrar, Kerala Veterinary and Animal Science University, Camp Office,  
Kerala Agricultural University Campus, Mannuthi, Thrissur.  
The Registrar, Kerala University of Health and Allied Science, Thrissur.  
The Registrar, Kerala University of Fisheries and Ocean Studies,  
Panangad, Cochin.  
The Secretary, Kerala State Electricity Board, Thiruvananthapuram.  
The Managing Director, Kerala State Road Transport Corporation,  
Thiruvananthapuram.  
The Director, Information & Public Relations Department.  
(For wide publicity through media)  
Web & New Media ( for uploading in the Government Website)  
Stock file/Office Copy

Forwarded / By Order



Section Officer

**229. Failure to deposit the charges.**-- If the appellant fails to make the deposit as aforesaid, the procedure prescribed in Rule 23 of Order XV of the Supreme Court shall be followed.

**230. Enquiry regarding substitution of parties.**-- No enquiry under Order XV, Rule 33 of the Supreme Court Rules shall be conducted without notice to the parties proposed to be added or substituted.

**231. Refund of unexpended balance.**-- An application for refund of the unexpended balance of the amount deposited towards translation or printing charges may be made by a letter addressed to the Registrar and payment may be made to the advocate of the party, if so authorised.

**232. Procedure in criminal matters.**-- Subject to the provisions of Order XXI of the Supreme Court Rules, the rules in the Chapter shall, with necessary modifications and adaptations, apply to criminal matters.

## CHAPTER XVIII

### REGISTERS AND RECORDS AND THEIR DESTRUCTION

**233. Cancellation of stamps.**-- (1) The record keeper shall, when the record is consigned to his custody, punch a second hole in each court-fee label with a wad cutter punch in a diamond form in such manner as not to render it difficult to ascertain the value of the stamp.

(2) When documents having court-fee label affixed to them are returned to the parties at any stage of a case before judgment, the court-fee labels should be punched a second time as aforesaid.

**234. Registers.**-- The Chief Justice shall prescribe the registers to be maintained in the office of the Court.

**235. Index paper to be opened.**-- An index in Form No.27 shall be put up with the record of every case when it is first filed in Court.

**236. Numbering of the papers.**-- Each paper, as and when it is filed in the record, shall be numbered and entered in the index under the appropriate part to which it belongs, as determined with reference to the table in Schedule A to this Chapter.

**237. Division and deposit of the papers.**-- Every record, book and paper shall, after completion, be deposited in the record room and divided into parts according to the table referred to in Rule 236.

**238. Date of completion of records.**-- (1) A record shall be held to have reached completion on the date of the final decree or order of the Court; in the event of an appeal to the Supreme Court, on the date of the final order of the Supreme Court and in case an application for review or restoration is filed, on the date of the final decree or order made on review or restoration.

(2) In the case of books and papers, the date of completion shall be the date on which the book was closed and the date of the final order on the paper respectively.

**239. Periods of retention of records.**-- All papers coming under Part I of Schedule A to this Chapter shall be retained permanently and all papers falling under Part II thereof shall be retained for a period of 4 years from the date of their completion.

**240. Periods of retention of registers etc.**-- The Court registers, books and papers described in the table in Schedule B to this Chapter shall be retained for the periods respectively specified against them, reckoning from their dates of completion.

**241. Destruction after prescribed period.**-- All records, registers, books and papers shall be destroyed, without fail, on the expiry of the prescribed periods of retention.

**242. Provision regarding copper plate deeds of grant etc.**-- Copper plate deeds of grant, public records or other documents of archaeological or historical interest shall be destroyed only after obtaining the orders of the Government as to whether such articles are to be forwarded to the Government or should be destroyed.

**243. Certain records not to be destroyed.**-- The following shall on no account be destroyed:-

- (i) Records connected with expenditure which is within the statute of limitation.
- (ii) Records connected with expenditure on projects, schemes or works not completed, although beyond the period of limitation.
- (iii) Records connected with claims to service and personal matters affecting persons in the service, and
- (iv) Orders and sanctions of a permanent character until revised.

**\*[244. Notice of destruction.**-- A notice shall be published by affixture to the notice board of the Court stating that all documents filed in the proceedings to be therein enumerated, will, unless previously reclaimed, be destroyed on the expiry of a period of three months from the date of publication of the notice. The notice shall be published by the 15th of January and the 15th of July of each year and shall remain on the board for not less than a month.]

**245. Manner of destruction.**-- At the end of the period specified in the notice all records, registers, books and papers which are to be destroyed except Gazettes, shall be burnt in the presence of the Superintendent of the Records Section or disposed of in such other manner as the Registrar may direct. Gazettes, which are to be destroyed, may be sold as waste paper.

**246. Power of Registrar to direct permanent retention.**-- The Registrar may direct the transfer of any paper from Part II to Part I of the retention of any paper, book or register for a period longer than that prescribed for reasons to be recorded in writing.

255. In an Appeal or Revision Petition, under Section 30(1) or 30(2) of the Act, the Council, shall, on being served with Notice of the Appeal or Revision Petition forward to the Registry of the High Court, within two weeks from the date of service, the findings of the Council and all other documents mentioned in Rule 252(i) and extra copies referred to in Rule 252(ii).

256. The Registrar of the High Court shall send to the Council a certified copy of the final order passed by the High Court in every Reference, Appeal or Revision Petition.]

### SCHEDULE A

#### DIVISION OF THE RECORD AND DESCRIPTION OF PAPERS FALLING UNDER EACH DIVISION

##### CIVIL

##### Part I

1. Index.
2. All judgments and orders (Judges' autographs and office copies including orders calling for findings on issues or reports and the findings or reports).
3. All decrees and decretal orders.
4. Compromise petitions and awards of arbitrators where the decrees are based thereon.
5. One complete set of the Paper Book.

In case where a paper book has not been prepared, all memoranda of appeal, Second Appeal, Writ Appeal, Civil Miscellaneous Appeal and Revision Petition, additional grounds of appeal, cross-objections and one set of copies of lower Court's judgments and decrees filed by the parties.

In Original Petitions, petitioner's affidavit and petition, counter affidavits and reply affidavit.

In Miscellaneous references, the statement of the case.

The main petition and objections thereto in Banking Company Petitions, claims and suits and company petitions.

6. Judgments and orders of the Supreme Court on appeal.
7. Applications for review and for amendment of decree and orders passed thereon.
8. Applications for compromises by a next friend or guardian *ad litem* under Order XXXII, Rule 7 of the Code and the Orders thereon.
9. Any other papers which the Registrar may direct to be included in this Part.

### PART II

#### All papers not included in Part I

##### CRIMINAL

##### PART I

1. Index in all classes of cases.
2. Petition of appeal or references under Sections 307 and 374 of the Code.
3. Application for revision.
4. Letters of referring Court for revision of proceeding.
5. Judgments of lower Courts taken up for revision by the High Court *suo motu* or judgments and orders which form part of records in Criminal Appeals, references and applications for revision.
6. All judgments and orders (Office copies and Judges' autographs).
7. One complete set of the paper book, including Sessions judgments, if any, including that containing Judges' autograph judgment.
8. Orders confirming, reversing or commuting sentences of death.
9. Any other papers which the Registrar may direct to be included in this Part.

### PART II

#### All papers not included in Part I

##### SCHEDULE B

#### 1. LIST OF REGISTERS (JUDICIAL SIDE)

##### Court Fee Section

1. Daily Register of Court Fees	12 years
2. Filing Registers	6 years
3. Register of Court Fee Refunds	6 "
4. Court Fee Audit Register	6 "
5. Court Fee Defects Register	3 "
6. Local Delivery Book	1 year

##### O.P. Section

7. Register of Original Petitions	Permanent
8. Register of Miscellaneous Petitions	12 years
9. Register of Return of Documents	12 "
10. Register of Pending Cases	6 "
11. Disposal Register	6 "
12. Process Register	3 "
13. Fair-copy Register	3 "

14. Despatch Register	3 years
15. Personal Register	3 "
16. Register for Review Petitions	3 "
17. Register for Leave to Appeal	3 "

**Company Section**

18. Register of Company Petitions	Permanent
19. Register of Banking Company Petitions	do
20. Register of Company Suits	do
21. Register of Banking Company Suits	do
22. Register of Banking Company Claims	do
23. Liquidation Register of Companies	do
24. Liquidation Register of Banking Companies	do
25. Register of Applications	12 years
26. Register of Criminal Complaints	do
27. Register of Criminal Miscellaneous Petitions	do
28. Register for Return of Documents	do
29. Company Petitions Appearances Books	6 years
30. Banking Company Petitions Appearance Book	do
31. Documents Register of Company Petitions	do
32. Documents Register of Banking Company Petitions	do
33. Posting Book	do
34. Disposal Register	do
35. Process Register	3 years
36. Transmission Register	do

**Appeal Section**

37. Register of First Appeals	Permanent
38. Register of Appeals from First Appeals	do
39. Register of Appeals from Second Appeals	do
40. Register of Writ Appeals	do
41. Register of Election Appeals	Permanent
42. Register of Miscellaneous Petitions	12 years
43. Register of Pending First Appeals	6 years
44. Register of Pending Appeals from First Appeals	do
45. Register of Pending Appeals from Second Appeals	do
46. Register of Pending Writ Appeals	do
47. Register of Review Petitions	do
48. Register of petitions for leave to appeal to Supreme Court	6 years
49. Disposal Registers	do
50. Register of Civil Miscellaneous Petitions for stay	3 years
51. Transmission Registers	do

52. Posting Register of Civil Miscellaneous Petitions	3 years
53. Register for Calling of Records from lower Courts	do
54. Register for despatch of Decrees etc.	do
55. Register of Copy Applications	do
56. Process Register	do
57. Register for Receipt of Notices	do
58. Local Delivery Book	1 year

**Second Appeal Section**

59. Register of Second Appeals	Permanent
60. Register of Miscellaneous Petitions	12 years
61. Register of Pending Second Appeals	6 years
62. Register of Review Petitions	do
63. Register of Pending Review Petitions	do
64. Disposal Register	do
65. Register of Applications for Leave to Appeal to Division Bench and to Supreme Court	do
66. Register of Cases remanded for findings	3 years
67. First Hearing Book	do
68. Despatch Registers	do
69. Transmission Register	do
70. Register for Calling of Records from lower Courts	do
71. Process Register	do
72. Register of Receipt of Notices	do
73. Local Delivery Book	1 year

**Miscellaneous Cases Section**

74. Register of C.M.As	Permanent
75. Register of C.R.Ps.	Permanent
76. Register of T.R.Cs.	do
77. Register of I.T.Rs.	do
78. Register of C.M. References	do
79. Register of Miscellaneous Petitions	12 years
80. Register for Return of Documents	do
81. Register of Pending Cases (for various categories)	6 years
82. Disposal Register	do
83. Refund Register	do
84. Fair Copy Register	3 years
85. Process Register	do
86. Transmission Register	do
87. Letter Book	3 years
88. Despatch Register	do

**Criminal Section**

89. Register of Criminal Appeals	Permanent
90. Register of Criminal Revision Petitions	do
91. Register of Referred Trials	do
92. Register of Criminal References	do
93. Register of Calendar Revisions	do
94. Register of Criminal Miscellaneous Petitions	12 years
95. Register for Return of Documents	do
96. Register of Pending Cases	6 years
97. Disposal Register	do
98. Register of Material Objects	do
99. Register of State Brief appointments	3 years
100. Register of Calendars received	do
101. Transmission Register	do
102. Register of Copy Application	do
103. Despatch Register	do
104. Process Register	do
105. Letter Book	do

**Translation Section**

106. Register for receipt and transmission of records	3 years
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**Printing Section**

107. Register of Papers sent for printing (Calculation of printing charges and refunds)	Permanent
108. Register of Papers sent to the Presses (Ledger)	Permanent
109. Register of Miscellaneous Petitions	12 years
110. Register for Return of Documents	do
111. Work Distribution Register	3 years
112. Register for Calling of Printing Charges	do
113. Plans Register	do
114. Register of Referred Trial Cases sent for Printing	do
115. Register of Referred Trial Cases Judgments sent for Printing	do
116. Transmission Register	do
117. Proof Delivery Register	do
118. Acknowledgment Book	do
119. Local Delivery Book	1 year

**Bench Clerks Section**

120. A Diary	6 years
121. Disposal Register	do
122. Pendency Register	3 years
123. Cause List File Books	do

**Stenographers Section**

124. Transmission Register	3 years
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**Typists Pool**

125. Register for receipts of judgments	3 years
126. Register for receipt of Orders	do

**Comparing Section**

127. Fair Copy Registers	3 years
128. Transmission Registers	do
129. Register for receipt of Original Judgments	do
130. Weekly Statement Register	do

**Decree Section**

131. Register of Decrees	12 years
132. Advocate's Fee Register	3 years

**General Records Section**

133. Destruction Register	Permanent
*[133A. Register for destruction of records on the Judicial Side.]	
*[133B. Register for destruction of registers on the Judicial Side as in Form No. 30.]	
134. A Register	12 years
135. B Register	do
136. C Register	do
137. Register for Return of Documents and Enclosures.	do
138. Register of Application for refund of Court Fees	6 years
139. Register of Copy Applications	3 years
140. Register for Receipt of Judgments and Orders from the Supreme Court	do
141. Despatch Register	do
142. Record Issue Register	do
143. Register of Disposed cases	do
144. Register for checking of lower Court records	do

**Indexing Section**

145. Yearly Index Register	Permanent
146. Register of Cases sent for permission to report	3 years
147. Judgment Distribution Register	do
148. Register for Receipt of Judgments	do
149. Register for Return of Judgments	do

\*Items 133A & 133B inserted by Notn. No.D1-40118/72 dt.11.12.1974.

**Copying Section**

150. A Register	3 years
151. B Register	do
152. C Register (Daily work statement)	do
153. D Register in Form D	do

**General**

154. Works statement books of the various seats	1 year
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**II. LIST OF REGISTERS, FILES ETC. (ADMINISTRATIVE SIDE)**

1. Files of papers closed in 'R' series	Permanent
2. Cash Book (Day Book)	do
3. Lapsed lists of judicial deposits	do
4. Government of India Gazette except Part II together with any extraordinary issues containing Acts, Bills, Ordinances, Orders & Rules	do
5. Do. list of the above	do
6. Register of books received in the Library i.e. Stock Register	do
7. Kerala Gazette	do
8. Fort Saint George Gazette	do
9. Index maintained in the Record	do
10. Personal Registers	*[Five years]
11. Administration Reports (General) Kerala	*[Permanent]
12. Administration Reports Civil and Criminal Justice (Kerala)	do
13. Stamp Register (maintained in Current Section)	do
14. Register of receipts (Civil and Criminal Court Deposits)	do
15. Register of payments (Civil and Criminal Court Deposits)	do
16. Ledger	do
17. Register of Government Securities	do
18. Stock & Issue Register of Uniforms, Liveries etc	do
19. Stock Register of Typewriters	do
20. Furniture Register (Day book of furniture)	do
21. Stock Register of furniture	do
22. Register of Accounts of cushion, cushion covers, table cloths, etc. used in the chambers and benches	do
23. Stock Register of furniture (roomwise)	do
24. Register of Service Books	do
25. Service Book issue Register	do
26. Pay bills and acquittance rolls where these are maintained separately for last grade servants	45 years

*Note:* Where however the service of the last grade servants is verified annually, the period of preservation of the pay bills and acquittance rolls be only six years.

\*Substituted by Order No.D1-35028/82 dt. 17.9.1985.

27. Security Register	40 years
28. Annual Establishment Returns	35 years
29. Pay bills and acquittance rolls where these are maintained separately of Government servants for whom no establishment returns are submitted or no service books or rolls are maintained	do
30. Cases (including service books and leave accounts attached thereto) in which invalid or compensation pension have been granted	25 years
31. Counterfoils of receipt books and used cheque books	25 years
32. Day book	do
33. Refund Register	do
34. Receipt Book	do
35. Remittance Register	do
36. Cash Balance Register	do
37. Cheque Book	do
38. Attendance Register	do
39. All Administration Reports not otherwise specifically provided for	20 years
40. Periodical Register and Annual Returns	do
41. Spare copies of Government Orders	12 years
42. Record issue Register	10 years
43. Files of papers closed in 'D' series	do
44. Government of India Gazettes Parts I, III and IV	do
45. Pay bills of other classes of Government servants (except those provided for in items 34 and 36 above and acquittance rolls for pay and allowance other than travelling allowance, when maintained separately)	6 years
46. Other pension cases (including service books and leave accounts attached thereto) after retirement	5 years
47. Detailed budget estimates of an office	5 years
48. Register of abstract of daily receipts	do
49. Register of receipts and charges	do
50. Contingent Register	do
51. Day book (Contingent Account)	do
52. Registers not specifically provided for	do
53. Permanent Advance Disbursement Register	do
54. Cash received and despatched book	do
55. Treasury Bill Books	do
56. Register of applications for cheques	do
57. Register of undischarged pay	do
58. Register of Recoveries	do
59. Register of Cheques	do
60. Register of lapsed refunds bills	do

61. Salary Register (maintained in G2)	5 years
62. Register of Audit objection	do
63. Trunk Call Register	do
64. Telephone Register	do
65. Register of claims of medical reimbursement	do
66. Register of endorsement bills	do
67. Register of telegrams - Deposit Account System	5 years
68. Repair Register of cycles	5 years
69. Stock book of stores and stock	do
70. Files of papers closed in 'L' series	3 years
71. Quarterly returns	do
72. Stock Book of Stationary articles	do
73. Stock Book of Forms	do
74. Stock Book of Registers	do
75. Stock Book of Electric Bulbs	do
76. Circular Book	do
77. Work Distribution Register	do
78. Remittance chalans	do
79. Chalan Book	do
80. Lodgment schedules	do
81. Vouchers, parties receipts, cheque applications, lapsed statements, paper relating to safe custody of jewels and other miscellaneous petitions	do
82. Travelling allowance bills and Acquittance rolls relating thereto	do
83. Repair Register of typewriters	do
84. Register of tenders	do
85. Furniture repair register	do
86. Stock Book of stationery articles purchased locally	3 years
87. Statement of monthly progressive expenditure and correspondence relating to discrepancies in the figures	2 years
88. Casual leave Register	do
89. Register of Assumption and delivery of charge of District Judges etc.	1 year
90. Applications for budget allotment	do
91. Tapal petitions and papers ordered to be lodged	do
92. Local Despatch book	do
93. Arrears list	do
94. Leave applications	do
95. Late Attendance Register	do
96. Register showing the application for appointment	do

\*[97. Register relating to the destruction of records and registers on the Administrative Side in Form No.28].

\*Inserted by Notn. No.D1-40118/72 dt. 11.12.1974

## FORMS

## FORM No.1 (Rule 19)

## VAKALATH

BEFORE THE .....

No. .... of 200

Petitioner

Respondent

I/We..... do hereby appoint and retain Advocate to appear for me/us in the above suit (Appeal or Petition) and to conduct and prosecute (or defend) the same and all proceedings that may be taken in respect to my/our application for execution of any decree or order passed therein. I/We empower the said Advocates to appear in all miscellaneous proceedings in the above suit or matter till all decrees or orders are fully satisfied or adjusted and to produce in court any money, document or valuable security own my/our behalf, to apply for their return and to receive back the same, to apply for and obtain copy of all documents in the record of the proceedings, to draw any moneys that may be payable to me/us in the above suit or matter and I/We do further empower my/our Advocates to accept on my/our behalf service of notice of all or any appeals or petitions filed in any court of appeal, reference or revision with regard to the said suit or matter, before the disposal of the same in this Honourable Court. I/We do hereby agree that everything lawfully done or made by the said Advocates in the conduct of the suit or matter shall be as valid and binding on me/us if done by me/us in person.

Signed this the ..... day of ..... 200  
duly executed before me.

WITNESSES:- 1.

2.

I know the party/parties personally who executed to Vakalath in my presence.

Accepted

\* [Roll Number]

\* Words "Roll Number" inserted by DIA 68443/2001/D1(B) published in Kerala Gazette No.41 dated 19/10/2004



## CHAPTER X

## CLOSING OF FILES AND SENDING THEM TO THE ADMINISTRATIVE RECORDS SECTION

135. *Different kinds of disposals.*—Disposals are of the following classes.—'R', 'T', 'D', 'L', 'N' and 'F'.—Great care should be taken in determining the nature of disposal. Files dealing with important decisions or orders or directions should be permanently retained and they should therefore be closed only in 'R' series. R – denotes Retain. They are permanent records which should not be destroyed. Files relating to service matters of officers etc. which may require to be retained for more than 10 years but which need not be retained permanently shall be closed as 'T' disposals and retained for 30 years. T – denotes Thirty Years. Files containing orders, decisions or instructions which should be retained for at least ten years should be closed in 'D' series. D – denotes Decade. Files dealing with matters of a routine nature or with unimportant subjects and which can be destroyed after three years should be closed as 'L' disposal. L – denotes Lodge. 'N' disposals are those that are to be sent out in original, such as, when a disposal takes the form of an endorsement on a communication received from outside, that communication is returned or forwarded with such an endorsement. N – denotes Not Registered. 'F' disposals are those that are to be filed.

136. *Nature of Final disposal to be decided when the file is submitted for Final orders.*—When putting up a case for final orders, the Assistant should make up his mind regarding the nature of the disposal of the file. Accordingly in putting up the final draft or in soliciting orders for closing the file, the nature of disposal should be indicated. The Section Officer and Assistant Registrar should satisfy themselves that no action is pending in the file and the disposal suggested by the Assistant is proper and should initial the entry in token of their approval.

137. *Nature of disposal to be noted in the Personal Register.*—On receipt of the file with final orders or after issuing the final draft, if any, the nature of the disposal should be noted in the last column of the Personal Register together with the date of disposal in red ink. No fresh disposal number should be given to the file. The file is closed in its original current number itself.

138. *Use of Disposal Docket Sheets.*—Only 'R', 'T' and 'D' disposal files are covered by disposal jacket sheets. On the outside of these jacket sheets are marked the name of the Branch and