

and District magistrate/Additional District Magistrate. The programme of inspection by the District Magistrate/ Additional district Magistrate and the Sub-Divisional Magistrate should be checked out in the beginning of the year and no other Magistrate should be required to inspect a police Station unless specially ordered by the District Magistrate. An inspection book with blank pages (Separately for the magistrates & Police officers) will kept at every Police Station to be used by the Inspecting Officers.

19. District Magistrates should ensure that controversial matters are not recorded in inspection notes and that they are taken up on the personal level of the District magistrate and the Superintendent of Police.

20. It is not the Magistrates duty to examine the internal administration of a police station. His primary duty is to analyse the crime and the action taken by the Police during the past year, and to suggest what further action is required, but it is also useful for him to record matters of personal observation at the police station.

21. The most important points to be noted at most police stations are given below, This list, however, is not exhaustive While, on the one hand, it is not intended that a Sub-Divisional Magistrate and other various Magistrates should examine all these points whenever they inspect a police station, a thorough examination of some of the points is much more valuable than a cursory examination of all.

Analysis of crime

22. This does not mean copying out all statistics supplied by the station officer. Important figures should be emphasized, their significance explained and their cause examined.

Detection.

23. The criterion of detective work is not merely the number of convictions. The conviction of a burglar arrested on the spot reflects little credit on the police. Real detective's ability can be assessed and valuable information obtained in investigation a burglary or a dacoity even if no one is prosecuted for a substantive offence. Moreover, it does not follow because a man is acquitted that the police were wrong in prosecuting him.

Preventive action.

24. The value of action taken under Sec. 109 and 110 Cr. P.C. can be tested by seeing whether the man's arrest had led to diminution of professional crime near his home or near the area where he was suspected to be operating. It is essential that a Magistrate should stimulate the Station Officer to take any action under Section 110 Cr. P.C. that may be necessary, but it is undesirable that a Magistrate should order the institution of proceedings against any particular person as this commits the Magistrate before hand to an expression of opinion about a man whose case he will have to decide in court. A Magistrate best course, therefore, is to indicate the lines on which the Station Officer should proceed but leave it to the police to institute proceedings. By examining the Crime map a Magistrate also discovers the areas with regard to which preventive action is required ; and by examining the history sheets and village registers etc. he can often select the persons to whose conduct the Station Officer should pay special attention. It must be borne in mind, however :-

- (a) That while most professional burglars do not go for a field, some make it a point of opening outside their own circle in order to allay suspicions, and
- (b) That history sheets and a village register may not be properly maintained and that there may be active criminal not mentioned in the police records.

Surveillance

25. Detailed rules about surveillance will be found in paras 339 to 348 of the Rajasthan Police Regulation, but it is unnecessary for a magistrate to examine the procedure in detail. It should be ascertained whether the Station House Officer knows the man "under Surveillance"

Cattle theft.

26. Are the offences the work of local criminals or wandering gangs? This can be tested by noting whether the losses of cattle increased as a wandering tribe passed through the circle.

Arms Act.

27. Does the Police station have a proper record of all persons having firearms in their possession which require to be

either licensed to be registered ? It should be seen whether *Verification has been made from time to time*

Habitual offenders & History sheets.

28. The Rajasthan Habitual Offenders's Act will govern the surveillance of persons classified as habitual offenders.

Excise :

29. Do the Excise Police cooperate with the Police Deptt. if so, whether the police receive adequate rewards from Magistrates.

Rewards :

30. Are the rewards announced for proclaimed offenders adequate ? Have they been able to attract information from non official sources ? Has the distribution been prompt ?

Buildings and Government Property :

31. It is not the duty of the Magistrate to inspect these in detail, but special points such as insecurity of the Hawalat or Malkhana or the Necessity of urgent repair of rusty weapons or inadequacy of blankets for prisoners may be conveniently recorded.

Co-operation :

32. Do the neighbouring Circles cooperate with each other ? Is any strain noticeable between the revenue and police department ? Is the Thana staff pulling together as a team ?

Appreciation of Station House Officer's work :

33. Ordinarily this should be recorded in the Inspection book but if the Magistrate has adverse remarks to make he should send them to the District Magistrate confidentially.

34. Copies of Inspection Notes should be sent to the Thana concerned as well as to the Superintendent of Police. The Sub-divisional Magistrate should also send one copy to District Magistrate. Compliance reports will be sent to the D.M. within three months.

(vi) Jails

35. *A-Under trials & Prisoners* -Wherever there is a Magistrate of the first class, be he District Magistrate S.D.O. City Magistrate, Extra Magistrate or Munsif-Magistrate, there is

either a Central Jail or a District Jail of one class or the other or a Lock-up, under trials can be kept in any of these prisons.

36. In places where there are only Lock-ups and arrangements have not been made yet for a Jail of any kind, it will be necessary to arrange to send to Jail a prisoner as soon as he ceases to be an under trial and is convicted and sentenced.

37. It will be the duty of the local police to make arrangements for the escort of prisoner to be transferred from a Lock-up to a jail.

38. After a convicted prisoner has been received in a Jail he will be kept there or moved elsewhere in accordance with the Jail Rules. Arrangements for transfers of convicted prisoners from one Jail to another in Rajasthan and their escorts will be made by the I.G. Prisons in accordance with the Jail Rules.

39. *B - Statements of under trials :* District Jails and Lock ups and also Central jails should send Court-wise monthly statements in duplicate to the District Magistrate concerned giving information of under-trials, their names, Sections with which charged and courts of trials and the dates when detained in prison. These statements should be separate for magisterial under trials and under trials in Session Courts. Each monthly statement should be divided into group of under trials as follows :-

- (i) Detained for over three months but less than six months.
- (ii) Detained for over six months but less than a year.
- (iii) Detained for over a year.

40. As for under trials detained for less than three months only total numbers may be included.

41. One copy of these statements will be sent by the District Magistrate to the magistrate concerned for remarks.

42. *C- supervision and management of district Jails in absence of Jailor or officer in charge* -Considerable difficulty is experienced in the supervision and management of Jails and lock ups during the absence of the only Jailor or officer in charge. All District Magistrates should, in the event of a jailor or officer incharge of a district jail proceeding on leave, appoint the senior most magistrate at district headquarters to the executive charge of the jail and intimate this to the Inspector General of Prisons immediately.

43. *D : Inspection of Jails & Lock ups* : The district Magistrate is required to inspect the jails every quarter. Addl. District magistrate, Sub-Divisional Magistrate and Magistrates should inspect each Lock-up within their Jurisdiction once in a Year. During the course of inspections the magistrates should particularly lay stress on :-

(a) Physical condition of prisoners, (b) Sanitary arrangements; (c) Food (d) Statistics of undertrials with reference to duration e.g. over three months, over six months and over a year etc. (e) any other matters.

(vii) Public Prosecutors.

44. *Appointment* : All appointment of Public Prosecutors shall be made by Govt. Government may call for recommendations for these posts from the District Magistrate at the headquarters of the sessions division or other area concerned. The District Magistrate shall then consult the District and Sessions Judge demi-officially and submit the latter's opinion along with his own and also a list of pleaders practising in his district direct to Government.

45. *Participation in politics and freedom from pecuniary embarrassments* : No person shall be appointed as Public Prosecutor unless he agrees in writing to take no part in politics during the tenure of his appointment and gives a declaration in writing that he is free from pecuniary embarrassments.

46. *Probation and confirmation* :- (1) Every Public Prosecutor shall be considered to be probation for a period of six months from the date of his taking charge. At the end of that period the District Magistrate shall submit a report through the District and Sessions Judge to Government upon his conduct and ability. Should his work prove to have been unsatisfactory, his services may be dispensed with without notice. Should the report be satisfactory, he shall be confirmed. For any sufficient reason Government may extend the period of probation.

(2) The District Magistrate shall, by the 15th January each year, submit a report to Government through the District and Sessions Judge upon the conduct and ability of the Public Prosecutor who has been confirmed under sub-rule (1). The report shall be marked confidential.

47. *Term of Office* - A public Prosecutor shall be appointed for a period of three years, including the period of his probation and may be re-appointed for further periods not exceeding three

years at a time. Ordinarily no person will be appointed a Public Prosecutor after he attains the age of 60 years or continued in the office after he attains that age. Notwithstanding the expiry of the period, of his term of appointment, a public prosecutor shall continue as such, until he is reappointed or his successor is appointed.

48. *Termination of term*- (1) Government may, at any time and without assigning any reason, dispense with the services of a Public Prosecutor after giving him one month's notice.

(2) A Public Prosecutor may resign his appointment after giving one month's Notice.

49. *Status and powers* : (1) The Public prosecutor is the person to whom under sub-section (1) of section 218 of the Code of Criminal Procedure, 1898 (V of 1898), orders notifying commitments are issued by Magistrates within the area for which he is appointed.

(2) A public Prosecutor is also the Govt. Pleader appointed by the Central Government under clause (a) of rule 8-B or order XXVII of the first schedule to the Code of Civil procedure, 1908, (V of 1908), in relation to any suit by or against the Central Government, or against a public officer in the Service of that Government in any court in Rajasthan.

50. *Withdrawal from prosecution* - A public Prosecutor shall not withdraw from a prosecution under Section 494, Code of Criminal Procedure, 1898, (V of 1898), without first consulting the District Magistrate who will obtain Orders of the Government in the Home Department before authorising such withdrawal where Police cases are concerned.

51. *Duties in Criminal Courts* : (1) The Public Prosecutor shall perform the following duties in criminal courts, namely :-

- (a) he shall conduct the prosecution in all cases committed to the Court of Session in the area for which he is appointed:
- (b) he shall appear, when instructed by the District Magistrate in appeals, references, revision and other miscellaneous criminal proceedings before such Court of Session; and

(c) he shall appear, when instructed by the District magistrate in any criminal proceedings in any Court, at the headquarters of the District in which he resides.

(2) The Public Prosecutor may be instructed by the District Magistrate to appear in any criminal proceedings in any other court in the area for which he is appointed :

Provided that he shall not be so instructed unless he is willing to act and can do so without detriment to the discharge of his other duties under this rule.

52. *Duties in civil Courts* : The public Prosecutor shall be engaged to conduct civil cases on behalf of Government or the Court of Wards tried in any Court, other than the High Court, situated at the headquarters of the district in which he resides :

Provided that -

(i) he shall not be so engaged unless he is willing to act and can do so without detriment to the discharge of his duties in the criminal court; and

(ii) the Collector may, by special order, appoint another legal practitioner instead of the Public Prosecutor in Court of Wards cases.

53. *Allotment of cases to Public Prosecutor* :- The Public Prosecutor shall conduct such cases, criminal or civil, as the District Magistrate or Collector may entrust to him in accordance with the instructions issued in this behalf by the State Government from time to time.

54. *Duties in cases under the Local Fund Audit Act* :- The Public Prosecutor residing at the headquarters of a District Judge shall, whenever required to do so, appear before the District Judge and represent the Collector in proceeding under clause (a) of section 14 (1) of the Rajasthan Local Fund Audit Act, 1954, (28 of 1954), as provided in rule 114.

55. *Advisory and other duties* :- (1) The Public Prosecutor shall advise the District Magistrate on any legal question arising out of any criminal proceeding which has been instituted or is proposed to be instituted within the Public Prosecutor's jurisdiction.

(2) He shall also advise the Collector and departmental officers in civil matter of an urgent nature whenever there is no time to make a reference to the Legal Remembrancer and shall further render them such assistance as is required under these rules in matters connected with suits and appeals filed or proposed to be filed by or against Govt. within the public Prosecutor's Jurisdiction.

56. *Disabilities* :- (1) A public Prosecutor shall not appear for the defence in any inquiry under Chapter XVIII of the Code of Criminal Procedure, 1898), (V of 1898), (Inquiry in to cases triable by Court of Session or High Court).

(2) He shall not take up any criminal case on behalf of any private person, whether a complainant or an accused in which he has reason to believe that his services have been or are likely to be requisitioned by Government.

(3) He shall not give legal advice to private persons in matters in which the interests of these persons are adverse to Government.

(4) He shall not give advice in any case to private persons if, in his opinion, he is likely to be called upon to assist Government in the same case.

57. *Relations with District Magistrates and Police* - (1) The public Prosecutor should apply for any instructions he may need to the District Magistrate, and shall keep in close touch with him in the discharge of his duties in the Criminal courts.

(2) He shall also keep in close touch with the District Superintendent of Police, and other responsible Police officers in the discharge of his duties in the Criminal courts, and shall furnish such police officers with any information or reports relating to such cases as may reasonably be demanded from him.

58. *Government power to engage private pleaders instead of public prosecutors* : Nothing contained in these Rules which provides for the engagement of a Public Prosecutor in any case preclude Government from engaging in his place a Private Legal Practitioner for conducting that case.

59. *Consultation with the Advocate-General or Legal Remembrancer* :- If, in any case, a Public Prosecutor thinks that an interview, with the Advocate-General or Legal Remembrancer is necessary in connection with any legal question arising out of such case, he may, with the previous consent of the District Magistrate,

interview the Advocate General or Legal Remembrancer as the case may be. this interview shall be deemed to be an interview within the meaning of rule 70 for purposes of his fees and travelling allowances and daily allowance.

60. *Use of District Judge's Library* - District Judges will offer every facility to each Government Pleader or Public Prosecutor for consulting at any time during office hours any of the Law Books in their Office Libraries, but no such book will be removable from the Library for such consultation.

(viii) *Control of Case work in Criminal Courts.*

A-Procedure in cases before magistrates

61. *Powers of Police Prosecuting Staff*:- (1) Under Section 492 of the Code of Criminal Procedure, 1898 (V of 1898) all Prosecuting Inspectors and Sub-Inspectors of police are appointed to be public prosecutors in the districts to which they are posted, for cases tried or enquired into by Magistrates after investigation by the police and for appeals heard by Magistrates arising from such cases.

(2) *Engagement of Public Prosecutors in Magistrate's Court*: The Prosecuting staff maintained by the Police Department should suffice for the great majority of criminal trials in Magistrate's Courts. In cases of special difficulty of importance, however, the District Magistrate may, subject to the provisions of rule 19, instruct the Public Prosecutor or Additional Public Prosecutor or Assistant Public Prosecutor to appear. The power should be sparingly used only when the District Magistrate considers that the Police Prosecuting staff is inadequate.

62. *Notice of appeal in Magistrate's Courts* : The Prosecuting Inspectors and Prosecuting sub-inspector of police are the officers appointed under Sec. 422 of the Code of Criminal Procedure, 1898 (V of 1898), for the districts to which they are posted to whom notices are to be given of the hearing of appeals filed in the Court of the District Magistrate or in a Court subordinate to the Court of the District Magistrate.

63. *Responsibility of Prosecuting Inspector* :- The responsibility of deciding whether an appeal is important enough to require the representation of Government rests primarily with the Prosecuting Inspector or Prosecuting Sub-Inspector who will be subject to the Control of his superior officers. His responsibility extends to appeals in all cases, whether originally challaned by the Police or not.

64. *Representation of Government in appeals before Magistrates*:- In these appeals representation of Government will, as a rule, be unnecessary, and where it is deemed necessary, the Police prosecuting staff should be sufficient. In rare cases involving intricacies of law, the District Magistrate may engage the Public Prosecutor.

B-In Court of Session

65. *Public prosecutor to appear in all Sessions trials* (1) On receipt of an order notifying the commitment of an accused to the Court of Session as provided in rule 17 (1) the Public Prosecutor shall conduct the prosecution on behalf of Government in that court.

(2) A section 270 of the Code of Criminal Procedure 1898 (V of 1898) requires that in every trial before a Court of Session the Prosecution shall be conducted by a Public Prosecutor, the District Magistrate shall arrange for the appointment of a substitute under rule 29 whenever the Public Prosecutor is not available.

66. *Notice of appeal in Court of Sessions* :- The Public Prosecutor is the officer appointed under Section 422 of the Code of Criminal Procedure, (V of 1898), for receiving notices of appeals filed in the Sessions Court within the District for which he is appointed.

67. *Appearance of Public Prosecutors in appeals etc* :- Unless otherwise provided for by or under the rules, the Public Prosecutor shall appear for the Government in the Court of Session in all appeals, references or revisions under section 133 of the Code of Criminal Procedure, 1898 (V of 1898), including cases instituted on Private complaint in which the appellant or the applicant or the person directed to furnish security as the case may be, is represented by a counsel or in which he receives notice from the Sessions Judge under Section 422 of the Code of Criminal Procedure, 1898 (V of 1898) In other appeals, references or applications in the Court of Sessions, the Public Prosecutor shall appear only when required to do so by the District Magistrate.

C- Supply of documents and other facilities to

Public Prosecutors

68. *Supply of copies in Sessions cases* :- In Sessions cases, a copy of the charge, the reason, for commitment and the depositions of witnesses, as well as of the statement of the accused in

the committing Magistrates court, should be supplied by the Office of the Sessions Judge to the Public Prosecutor concerned immediately after commitment. Where typewritten copies of depositions of witness recorded in sessions cases in the court of Session are supplied to an accused person on payment, copies thereof will also be supplied to the Public Prosecutor concerned.

69. *Copies of original case diaries in sessions cases :* (1) A copy of the original case diary may be supplied to the Public Prosecutor by the Sessions Judge, on special application in such case. These copies need be granted only when the Sessions Judge has been unable to allow the Public Prosecutor reasonable facility for perusing the diary before the trial.

(2) Case diaries are confidential documents and Public Prosecutor share the responsibility of the Court that the contents are not divulged save in accordance with law.

70. *Facility for inspection of records in sessions cases :* If the Public Prosecutor is to appear in a Sessions case before a Sessions Judge or Additional Sessions Judge at whose head-quarters he does not reside the Judge concerned should arrange to send the record and the case diary, as early as may be, under confidential cover to the District magistrate of the District in which the Public Prosecutor resided to enable the Public Prosecutor to take inspection thereof at his headquarters. If a case is committed too late to permit of this arrangement, it should be set down for hearing by the Sessions Judge towards the end of the Sessions, and the Public prosecutor allowed access to it during the earlier trials. The inspection by the Public Prosecutor under this rule must be governed strictly by the rules regulating the inspection of criminal records.

71. *Supply of copies to Public Prosecutors in case before a court of Sessions :-* In appeal, revision or reference before sessions court in which the services of the Public Prosecutor are considered necessary he should invariably be supplied with a copy of the Judgment or order concerned but not of the other records except where typed copies are supplied to accused. The Public Prosecutor shall have access to the original records in the Session Court.

Responsibility of Public Prosecutors in Criminal Cases

72. *Public Prosecutor's duty to report result* - It shall be the duty of the public Prosecutor to report immediately to the

District Magistrate the result of every criminal case conducted by him. A copy of the report shall be forwarded simultaneously to the District Superintendent of Police.

73. *Further report when decision is adverse :-* Where in any criminal case the decision is adverse to the prosecution, the Public Prosecutor in charge of the case shall, not later than 7 days from the date of the order or judgment, submit to the District Magistrate a detailed report on the case, together with his opinion as to the advisability of filing a revision appeal and a draft of the grounds therefor if a revision or appeal is advised. A copy of the report shall be forwarded simultaneously to the District Superintendent of Police.

[*Procedure in case before the High Court and other Authorities*].

A-Appeals by Government against Acquittals. -

74. Responsibility of District Magistrates - Special attention should be paid to the Provision of Sec. 417 of Code of Criminal Procedure 1898 (V of 1898) enabling Government to appeal against order of acquittal. District Magistrates should bear in mind the responsibility which rests upon them of bringing to notice instances of perverse or careless acquittals in which the importance of the case and the probability of securing a conviction justify a resort to this exceptional procedure.

75. *Procedure* : Ordinarily the District Magistrate will propose the appeal. With this proposal he should send the records and a note of his own giving the facts of the case and stating where he thinks the court was wrong. If he took the opinion of the Public Prosecutor or the District Superintendent of Police he should state or attach it separately.

76. *Special reference by Inspector General of Police* - In any case in which the Inspector General of Police considers that an appeal against an acquittal should be filed he may move the District magistrate. If the District Magistrate refuses to move in the matter and the Inspector General disagrees with the decision or should the circumstances of any case be such that a reference to the District Magistrate would involve such delay as to prevent the appeal being filed within the prescribed time the Inspector General may refer the case direct for the orders of Government.

77. *Reference to be prompt* All cases to be referred for orders of Government should reach the Law and Judicial Department within a month of the receipt of the copy of the Judgment from the date of the order of acquittal.

78. *Applications to district magistrate from private persons:-* In any case in which a private person makes an application to the District Magistrate requesting him to move Government under Sec. 417 of the Code of Criminal Procedure 1898 (V of 1898) to present an appeal against acquittal, he may decline to do so, if he sees no adequate reason to move Government. If however, he is of opinion that an appeal should be presented he should follow the procedure laid down in rules 65, 66 and 67.

B-Revision Cases

79. *procedure in cases of revision* (1) If the District magistrate considers that a case relating to a proceeding before the Court of Session should be reported to the High Court, he may apply to Government to move for revision. Such application should show grounds for revision.

(2) If Government Supports the application, the Law Officer concerned will be instructed to apply for revision.

(3) Under the rules of the High Court an application for revision in a criminal case before the High Court is ordinarily to be filed within sixty days. Every case of revision to be referred for the orders of Government should therefore reach the Law and Judicial Department within four weeks from the date of the order against which a revision application is to be made.

C-Miscellaneous provisions regarding criminal cases

80. *Assistance to Advocate General* (1) It may occasionally happen in a criminal case of exceptional difficulty before the High Court that the Advocate General would be materially assisted by an interview with, or the help of the Public Prosecutor, or private Legal Practitioner engaged in the case or the prosecuting Inspector, or the Investigation Officer who may have dealt with the case. The District magistrate should arrange for this when the necessity arises, but Government's sanction should be obtained in advance before the services of the prosecutor or private Legal practitioner are requisitioned under this rule.

(2) When applying for Government's sanction under subrule (1) the District Magistrate should explain the reasons for which such assistance is considered necessary and, if such application is

made at the instance of the Advocate that fact should also be stated, it should not be assumed that Government sanction will be given as a matter routine.

(3) A Public Prosecutor or a private Legal Practitioner engaged under this rule shall be entitled to a fee of Rs. 30/- for every day on which he is engaged in assisting the Advocate General and if he comes from outside the place of hearing to travelling allowance and Daily allowance admissible under rules.

(ix) Trial of Riot cases

81. Riot cases require very careful handling. A large number of persons is generally involved and the evidences is often entirely of a partisan character. There is a great danger of innocent persons being implicated along with the guilty since each party in riot cases tries to implicate falsely as many of its enemies as it can.

82. Each party has widely divergent version and it is for the Court to ascertain in such which of the two versions is correct.

83. The question as to which of the party was the aggressor and which was acting in self defence is of vital importance and the Court must do its best to arrive at a finding thereon for the party acting in self defence cannot be held to be guilty of any offence unless the right of private defence is exceeded.

84. When both parties to a riot are prosecuted, the two cases must be tried separately and evidence in one case cannot be treated as evidence in other even with the consent of the parties. Similarly Judgments in such cases should be written separately and care should be taken to see that the evidence in one case is not imported into the Judgment in the order.

85. In recording evidence in riot cases care should be taken to bring out as distinctly and as far as possible the connection of each of the accused with the crime and actual part played by him. In the judgment the evidence against each of the accused would be discussed separately along with the evidence produced by him in defence and should be scrutinized with care. The mention and omission of the name of the accused person in the first information report when such report is made promptly by an eyewitness and the presence and absence of injuries on his person are worthy of consideration in this respect, though they are of course by no means conclusive.

86. A charge of riot presupposes an existence of unlawful assembly with the common object. No charge or rioting can be sustained against any persons unless it is proved that he was a member of such unlawful assembly.

87. Section 149 of the Indian Penal Code, which makes every member of an unlawful Assembly constructively liable for offences committed by other members in prosecution of common object of the Assembly deserves careful study. If the number of offenders is ultimately found to be less than five this section will not be applicable : but joint liability may still arise by virtue of Section 34 of the Indian Penal Code, if it is found that the act constituting the offence committed in "furtherance" of the common intention of all"

88. When a number of offences are committed by member of unlawful assembly in the course of riot in prosecution of their common object, each member is guilty not only of rioting but also of every unlawful assembly, and is liable to be punished separately for each of the offences.

*(x) Confessions and statements of Accused person
Instructions for the Record of Confession by Magistrate.*

89. The following instructions are issued for the guidance of Magistrates in regard to the recording of confessions.

90. Confessions are accorded under the provisions of Section 164 of the Code of Criminal Procedure, 1898, the requisites of which are as below :-

(1) The Magistrate should explain to the accused :-

(a) that he is not bound to make a confession.

(b) that if he makes a confession, it will be used as evidence against him.

(2) The Magistrate should question the accused with a view to ascertaining whether the accused is making the confession voluntarily and on such questioning should have reason to believe that the confession is being made voluntarily.

(3) He must append the prescribed certificate.

91. The essence of requirement of (2) above is that before the Magistrate records the confession he must have reason to believe that the confession to be made is voluntary. The belief

in this behalf must be based upon his questioning the accused. In entertaining this belief itself must be based upon the material indicated in the section. The mere satisfaction of the recording Magistrate that the confession was made voluntarily is not enough ; both from his evidence as well as from what he has recorded in the form of questions to the accused and the answers given by the latter it should appear explicitly to the Judge who is to consider the admissibility of the statement, that the confession was made voluntarily. Thus Magistrate should consider it expedient that the satisfaction of his conscience as to the voluntary character of the confession is not the only act to be achieved by him. He should leave such material on record in proof of compliance with the imperative requirements of the section as would satisfy the court that signs on Judgment of the case that the confession was made voluntarily.

92. The accused person, who is produced before a Magistrate for making a confession can either be in police custody or jail, custody or on bail. the first thing that a Magistrate should do is to take over the accused in court custody and ask the police guards and police officer or constable accompanying the accused to go out of the court room, so far as that is compatible with the safety of the Magistrate and his staff and the safe custody of the prisoner. The accused should, not be allowed to make contacts with any body, at that time as long as he is in the court custody after five or ten minutes, the Magistrate should enquire the name and other particulars of the accused and ask him if he has been brought from the jail or from the police lockup. After recording answers to these queries, the accused should be asked if he wants to make a statement implicating himself in the offence for which he is to be charged. If the reply of the accused to this question is in the affirmative, the Magistrate should inform the accused that he was Magistrate of the First Class (or a magistrate of Second Class specially empowered to record a confession) and that any confession which the latter made before him, might be used as evidence against him. The accused should be clearly told that he was not bound to make confessional statement. If the accused still insists upon making a confession, he should be sent to the Judicial lockup. the accused should be informed by the magistrate that he would record the confession the following day and that he was giving him further time to think over. Simultaneously, the jailor should be instructed in writing to keep the accused separate from other prisoner till further order from the Magistrate. The Magistrate should keep a memorandum of all these proceedings

alongwith the questions and answers. The following day the confession should be recorded in the Jail, or if that is not practicable, the accused should be summoned to the court and all the Police guarads who bring the accused from jail should be asked to remain outside the court room so far as that is compatible with safety of the Magistrate and his staff and safe custody of the prisoner. After five or ten minutes, the Magistrate should start questioning the accused as follows. (The answers to each question should be recorded immediately after the question is recorded :-

- (1) Were you produced before me in the court the preceding day ?
- (2) Do you know that I am a Magistrate ?
- (3) Dis you yesterday inform me that you wanted to make a statement implicating youself in the crime for which you have been charged ?
- (4) Did I then inform you that I was a magistrate and that you were not bound to make a confession, and confession you make before me may be used as evidence against you ?
- (5) Have you been brought direct from the Jail to my court to-day ? (to be omitted, if the confession is recorded in jail)
- (6) Have you been kept separate from other persons in the Jail since yesterday ?
- (7) Since when you have been out of the custody of the police which brought you from the Thana ?
- (8) When were you admitted to the Jail ?
- (9) Why are you desirous of making a confession ?
- (10) Did the police beat you or threaten you to make a confession.
- (11) Did the police or anybody else, who can prosecute you, give you any promise of pardon if you make a confession?
- (12) Are you under the influence of any intoxicant now ?
- (13) Are you in complete possession of all your senses ?

93. After these question, if the accused is still prepared to give a confessional statement, the Magistrate should proceed to record the same if he is satisfied that the confession is voluntary. While recording the confession, the Magistrate should not try to elicit facts by putting leading questions to the accused. He should

not cross-examine him on any point. The Magistrate can, however, put questions to him for clarifying ambiguities. When any such questions are put by the Magistrate, these should be recorded in the body of the confession. The confession should be recorded word by word. It should be read out to the accused and when admitted by him to be correct, the accused should be made to sign or thumb-mark every page through which his statemnt runs. The Magistrate should also initial every page of the statement.

94. After the confession has been recorded, the Magistrate should make a memorandum at the foot of the statement in the form given in sub-section (3) of section 164 of the Code which is as follows :-

"I have explained to (name and particulars of the accused) that be is not bound to make a confession and that if he does so any confession that he may make may be used as evidence against him and I blieved that his confession was voluntarily made. It has been recorded by me and was read over to the accused (so and so) who made it and who admits it to be correct and it contains a full and true account of the statement made by him.

SIGNED (A.B.)
First class Magistrate/
Second class Magistrate

Specially empowered to record confession.

Note :- While putting his signature at the bottom of the record of the confession, every Magistrate should invariably mention his Magisterial powers in that respect as "First Class Magistrate" or Second Class Magistrate specially empowered to record confession" as the case may be, Magistrate of the Second Class should specially note this.

95. Confession should, whenever practical, be recorded in the jail. When this is not possible, then, unless there are exceptional reasons to the contrary, confessions should be recorded in open court and during court hours.

96. There may be a tendency among some of the Magisirates to burden the accused with complicated questions in a form which can be suggestive of a positive discouragement to the

accused from making a voluntary confession. The Magistrate has to keep the balance even and should not use words or phrases in his questions which may be indicative of such discouragement.

97. Proceedings involving recording of a confession are very important proceedings. Any tendency on the part of a Magistrate to treat them lightly can lead to very unfortunate consequence to the administration of justice and maintenance of law and order.

98. The Magistrate who records a confession should not hand over the document after completion to the Police Officer in charge of the accused. The original confession should be forwarded to the Magistrate by whom the case is to be inquired into or tried, as required by sub-section (2) of Section 164 C.P.C. It should be sent in a sealed or superscribed envelope which should bear on its outside full particulars of the case, e.g. name etc. of the accused, offence and section case number in the police station etc. Proper care has to be taken that the document is not lost during transit. Therefore then postal agency has to be used, it should be by registered post acknowledgment due. No other papers should be placed in the same packet.

99. The Police should always be permitted to take copy before the original is despatched as above, The copy should be made in the presence of the Magistrate who recorded the confession.

100. The form for recording confession taken under section 164 by the High Court is prescribed vide General Rules (Criminal) Appendix D. Form 13.

(xi) Identification by witness of Under-trial Prisoners.

101. Magistrates are sometimes required to conduct identification proceedings. The conduct of such proceedings is necessitated when any reasonable belief exists that the arrested persons are actually connected with the commission of crime for which they have been arrested. It is, therefore, absolutely necessary that witnesses allege that they can identify persons who took part in the identification proceedings should be above suspicion. When an occurrence, the Investigating Officer should record their description in detail.

102. At places where there are more than one Magistrate, identification proceedings should be conducted by a Magistrate

other than the one who is to try the case. In case no Magistrate is available at the place the Police should take the party, to the nearest Magistrate other than the one who will try the case even if such nearest Magistrate is in the adjoining jurisdiction so that the trying Magistrate may be able to take the case on his file.

103. The following points should be kept in view in conducting such proceedings :-

- (a) The person selected for mixing up with the suspects at the parade should be unknown to the witnesses.
- (b) They should as far as possible be of the same religion and status as the suspects.
- (c) The suspects should be carefully kept out of the view of the witnesses.
- (d) The witnesses should be called one by one and independently to point out any person whom they can recognise.
- (e) Every one and specially the Police should be removed from the identification parade.
- (f) The faces in the line of the persons to be identified should be changed before the arrival of each witness.
- (g) The man deputed to call each witness should be kept away from the view of the proceedings.
- (h) Any well grounded objection raised by any suspect to any point in the proceedings should be recorded.
- (i) Precaution should be taken to cover up all distinguishing marks in the case of persons and similar action taken regarding dummies, e.g. if accused is blind in one eye, the dummies should also have one eye blind but since this will not be possible, the eye of the accused and the corresponding eyes of the dummies should be covered up with paper.
- (j) There should be at least five dummies per accused when more than one accused is put up for identification.
- (k) All entries in the memo should be made by the Magistrate in his own hand.
- (l) The Magistrate should satisfy himself before holding parade that the accused person produced for identification is the same person who had been sent to Jail

in connection with the case. The accused should be asked his name and other particulars by the Magistrate and these should be compared with the particulars as entered in the record.

(m) It should be ascertained from the accused person or persons whether any or all of them had been taken out of jail since admission but before the date of proceedings.

(n) The appearance of the accused should be made to conform to the one recorded in the Jail Register on the date of admission i.e. the growth of beard, the clothes he was wearing etc.

104. The form of recording note of identification proceedings is prescribed by the High Court vide General Rules (Criminal)

(xii) Recording of Dying Declaration

105. Sometimes Magistrate are required to record the dying declaration of a person who is in imminent danger of death. Whenever the District Magistrate or some senior Magistrate present in the station receives notice that dying declaration is necessary he should at once proceed to take it or depute some other Magistrate above the rank of Tehsildar, to take it. He should also at the same time cause the Prosecuting Inspector to attend with the police papers in the case. It should be recorded carefully. Where dying declaration is elicited by questions, it is advisable to set out the questions and answers. The Magistrate should append to it a certificate that it has been read over to the deponent and declared to be correct. The patient's condition and the manner of making his statement should also be noted. Where necessary exact words of the deponent may be recorded in his own language.

106. If there is possibility of an injured person's dying before a Magistrate can be called, the Investigating Officer may record his dying declaration before two respectable witnesses and record his signatures or mark of thumb of deponent at the fact of the declaration. The Police Officer or some other person must, however, be examined to prove the statement made.

107. A dying declaration is admissible under Section 32 (i) of the Evidence Act. The principle on which dying declarations admitted is based on the maxim that man will not meet his maker

with a lie in his mouth. A dying declaration made by signs in response to questions is admissible in evidence but in that case the record should show the question put and nature of the signs made in reply.

(xiii) Verification of Surety & Bail Bonds.

108. Surety and bail bonds are required to be verified before their acceptance by the courts. The verification of the bond is usually done by sending it to the Tehsil. This process entails time and it can be accelerated if pending such verification the courts accept the bond provisionally and an affidavit filed and the status of the surety is got certified by counsel or some other responsible person. In simple and unimportant cases the surety bonds need not be sent to Tehsils for verification and the Court may as far as possible accept in its discretion the bond if certified by a counsel.

(xiv) Procedure regarding service of Summons and Warrants on Government Officer in Criminal cases and their compliance

109. According to Section 72 of the Code of Criminal Procedure the Court issuing the summons shall ordinarily send it in duplicate to the head of the office in which such person is employed and such head shall thereupon cause the summons to be served in the manner provided by Section 89. and shall return it to the Court under his signature with the endorsement required by that Section and such signature will be evidence of the service.

110. Warrants of arrest are ordinary directed to Police Officers and not to the heads of the Departments according to Section 77 of the said Code which runs as follows :-

- (1) A warrant of arrest shall ordinarily be directed to one or more police officers. and when issued by a presidency Magistrate shall always be so directed ; but any other court issuing such a warrant may if its immediate execution is necessary and no police officer is immediately available, direct it to any other person or persons; and such persons shall execute the same.
- (2) When a warrant is directed to more officers or persons than one, it may be executed by all, or by any one or more of them.

111. A summon accepted by an officer directly has to be complied with and cannot be ignored by the officer merely because it did not come through "proper channel".

(xv) *Procedure for registration, realisation and deposit of fines.*

112. The General Rules (Criminal) 1952, contain detailed instructions in regard to the procedure for the registration, realisation and deposit of fines.

113. The responsibility for expeditious recoveries of the fines, penalties and other amounts recoverable as fines is of the presiding Officer of the court ordering imposition of fines etc. Under Rules 55 of the General Rules (Criminal), in all cases when an order imposing fine etc. is passed, the Presiding Officer is required immediately to enter the amount of fine in his own handwriting in the register, Rules 56 and 60 (ibid) lay down that when the amount of any fine etc. is paid into the court, the Presiding Officer shall ensure that the moneys deposited, (on a challan signed by himself), in the Treasury, on the day of receipt or if the Treasury was closed, on the next following working day at the latest. Article 32 of the General Financial Rules further lays down that it is the duty of every court to see that the money so realised reaches the Treasury.

114. Under Rules 61 of the General rules, every court is required to keep two court receipt books. These books are to be used one in each alternate month; and at the end of each month, the book in use during that month is to be transmitted to the Treasury Officer/Sub-Treasury Officer concerned for examination and attestation.

115. Rule 63 lays down that, at the close of each month the presiding Officer shall note or cause to be noted, on the flyleaf of the court receipt book in use in that month, the sum for which receipts have been issued during the month. The book shall then be sent to the Treasury Officer/sub-Treasury officer for attestation. The Discrepancy, if any, found is to be reconciled by the court.

116. Article 35 of the General Financial Accounts Rules lays down that the duty of realisation of fine and of taking the receipts of refunds, rests with the court. On the last working day of each Calendar month, the court is required to send a statement

in the prescribed form showing the demand, collection and balance of fine levied and written off by it, as well as of the refund therefrom in that month. The District Magistrate is required to consolidate these returns into a monthly fines statement for all the courts in his district and forward it to the Treasury Officer. Instructions for preparation of these returns and statements are given in the Financial accounts Rules.

117. Under Rule 67 of the General Rules, the Presiding Officer of each court is required to endorse a certificate on the register of fines to the effect that he has examined all outstanding items that seemed capable of realisation and has taken proper steps in each case.

118. The subordinate Magistrate will endorse the following certificates on the monthly statements submitted by them under Article 33 of the General Financial Rules.

"Certified that the balance at the close of the month of (preceding month) was Rs and that the amount of Rs., was imposed as fine etc. during the month bringing the total of Rs out of this amount, sum of Rs was recovered during the month and a sum of Rs was/written off/refunded. The balance at the close of the month is Rs

"Certified further that the amount recovered during the month was sent to the Treasury/Sub-Treasury and has been duly accounted for.

"Certified further that the fine receipt book for the preceding month has been sent to the Treasury/Sub-Treasury and that no discrepancies were found/ the following discrepancies were found, which have been reconciled."

(xiv) *Classification of summaries issued by Magistrate on Police final reports and after trial of cases in Courts of Law*

119. The following classes of summaries will be issued by the Magistrate concerned when final reports are received by them from Police Station under Sec. 173 of the Code of Criminal Procedure, 1898.

(a) "A" Summary. This should be issued when the case is true but the accused cannot be found out by the

Police or when the accused is found, the evidence is not so strong as to justify the sending up of a charge sheet to the court.

- (b) "B" Summary. This should be issued when the complaint appears to be maliciously false. After the issue of this summary, it will be for the Magistrate to consider whether there is enough evidence to proceed under Section 211 IPC and if there is, to file a complaint accordingly.
 - (c) "C" Summary. This should be issued when the complaint appears to be of a civil nature or when no criminal offence has occurred at all.
 - (d) "Non-cognizable" Summary. This should be issued when Police investigation clearly shows that the complaint is of a non-cognizable nature.
 - (e) "Refused" Summary. This should be issued when investigation is refused by the Police u/s 157 (B) Cr. P.C.
120. The following summaries should be issued after a case is tried in a court of law.
- (a) "Conviction" Summary. This should be issued when all the accused or some of them are convicted and punished by the Court of law.
 - (b) "A" Summary. When the offence is true but the accused are acquitted because of insufficiency of evidence.
 - (c) "B" Summary. When the complaint is found to be maliciously false after and the accused are acquitted.
 - (d) "C" Summary. When the offence is found to be of a civil nature or no criminal offence at all.
 - (e) "Compounded" Summary. When the offence ends in composition in the court of law.
 - (f) "Withdrawn" Summary. When the case is withdrawn u/s 494 Cr. P.C.
121. In cases tried by the Court of sessions, the committing Magistrate will issue the required summary after the disposal of that case by that court or by the High Court. When the result of a case is changed on appeal or revision, the Magistrate who sent the original summary will send a summary of the amendment.

122. The proposed system is not at all difficult to work provided a proper study is made of each case that comes before the Magistrate or Court.

123. All summaries issued in accordance with the above instructions will be sent by the magistrate concerned to the Police Station from which the final report or the charge sheet had come.

(xvii) Withdrawal of cases

124. Section 494 of the Code of Criminal Procedure empowers Public Prosecutor with the consent of the court, to withdraw from the prosecution a case against any person. This decision to withdraw should be taken with any person. This decision to withdraw should be taken with the approval of the Government. The Superintendent of Police should put up a report to the District Magistrate, if he agrees that it is a fit case for approaching government, should prepare a narrative giving the stage of the case, chances of conviction/acquittal, copy of committing magistrate's order (If the case is pending in the Sessions court) He should record his opinion and forward it to the Secretary to Government, Home Department.

(xviii) Adjournments in Sessions cases

125. The trial of sessions cases must be completed on one continuous session. The police officers must be made to feel their responsibility for ensuring that all witnesses required in a sessions case are present when such a case starts. The Supdts. of Police are ultimately responsible for ensuring this. They must impress upon the Station House Officers that under no circumstances should witnesses in a sessions case remain unserved with summons. The District Magistrate should discuss with the Supdt. of Police and desirability of instructing the Station House Officer to be present at the court premises during continuance of the sessions trial.

126. At the end of every quarter, the District Magistrate should prepare a statement showing the adjournments in sessions cases during the preceding quarter due to non-service of summons on witnesses. Each such adjournment should be counted as minus mark against the Superintendent of Police. This information could be obtained from the Government Pleader attached to the court of Session Judges. These statements must reach the Govt. by the 20th of the month following the end of the quarter.

(xix) Daily return of the decided criminal Cases.

127. In view of the fact that the District Magistrate is the head of the criminal Administration within his jurisdiction

It is necessary that he should be kept informed of the progress of criminal cases. The public prosecutor may report to the District Magistrate, Sessions Judge or an Additional Sessions Judge, the Prosecuting Inspector at District headquarters, and Prosecuting Sub-Inspectors attached to Sub-Divisional Courts headquarter should prepare a daily return of decided cases and submit it to the District Magistrate concerned through the Superintendent of Police. An advance copy should examine the return and bring to the notice of the District Magistrate any particular case which in his opinion requires to be taken up in revision or appeal. On being satisfied that action is necessary the District Magistrate should proceed as laid down in Law Department, Circular No. F. 11(27) LR/50, dated 4th December, 1950.

128. The Superintendent of Police and the District-magistrate should act in the closest co-operation in such matters by meeting frequently and discussing such matters. In most cases of obvious miscarriage of justice, the Supdt. of Police will move the District Magistrate for filling revision for enhancement of sentence or for the State Government to file an appeal against an acquittal as the case may be but the District Magistrate should take action on his own motion also whenever he considers it necessary to be so.

129. A proforma according to which the returns of the decided cases are to be prepared is given below :-

Daily return of Criminal cases decided by the Court of

Day of 196

S. No. of case No. and date of institution	Name of the accused person	Office charged with the law applicable	RESULT OF THE CASE	
			Name of the accused discharged	Name of the accused acquitted
1	2	3	4	5
6				

Name of the accused convicted	Date of final order and its particulars	Whether appeal or revision recommended (grounds of appeals or revision to be attached)	REMARKS
7	8	9	

Dated _____
Public Prosecutor,
Prosecuting Inspector,
Prosecuting Sub-Inspector.

(xx) *criminal case work statements.*

130. The D.Ms. should obtain monthly returns of pending cases from all the magisterial courts.

131. It is the primary duty of the District Magistrate to scrutinise these statements carefully and to transfer the case to the files of the various First Class magistrates in accordance with the provisions of the Cr. P.C. in order to effect even volum of work and thus expendite the disposal of the case. In addition to this, the District Magistrates should also examine whether purely from the volume of the work the continuance of the court of a First Class Magistrate is justified and make proposals to the Government for abolition of he court if the case work does not justify its retention It is likely that in all cases the volume of work may not be the sole factor in determining the the location of a court, but in veiw of the paramount need to effect economy and retrenchment wherever possible, the District Magistrates should make their proposals in this regard if they are satisfied that the contiunance of a Magistrate Courts is not warranted. They may at the same time bring to the notice of the Govt. other considerations which should weigh in taking a final decision.

(xxi) *Reports of Special Incidents.*

132. As Executive officer, District Magistrates, S.D.Os and Tehsildars are expected to keep themselves informed of all important incidents in their jurisdiction which may be important as affecting the public peace, communal relations and political or agrarian troubles, Any special incidents coming to their notice should be intimanted by the earliest means of communication to the next higher authority by means of a D.O. letter.

133. If any aerial mishap of forced landing occurs within the jurisdiction of any officer. he should give all necessary aid and immediately infrom the Chief Secretary to Government by telegram of the incident.

(xxii) *Periodical checking of motor vehicles.*

134. With a view to exercise proper control over collection of revenue by way of taxes and fees under the Motor Vehicles Taxation Act and Rules in force in Rajasthan and to enforce compliance of other laws, the District Magistrate who is the District Transport Authority in his district, should organise quarterly check of the motor vehicles in consultation with his Supdt. of Police, who

is licencing and enforcement authority in the district. Taxes on motor vehicles under the provisions of the Motor Vehicles Taxations Act are payable in four quarterly instalments before the 15th of January/April/July/October. The checks should be held after these dates in each quarter. Besides the various particulars relating to taxes and registration certificates etc., the police authorities should check other items relating to condition of vehicles, their hygienic condition observance of time table, table of fares etc, which are necessary for the convenience of general public.

FROM NO. 1

(Under para 12 of Chapter VII)

Form for Inspection of Magisterial Courts.

A. Name of Court.

B. Date of Inspection.

1. Officers during this period.

2. Staff against sanctioned strength.

3. (a) Balance at the begining of quarter.

(b) Institutions.

(c) Disposal	In default and by transfer	Summons	Otherwise
			Warrants including committal

(d) Balance-Less than 3 months old.

Over 3 months and less than 6 months.

Between 6 months and one year.

Over one year.

4. Reasons of delay of all cses pending over a year. Are the reasons justified ?

5. If there are less than 10 cases over a year, the reason for delay of at least 10 oldest cases.

6. (a) Under-trials over three months.

(b) If delay in disposal of their cases justified.

7. Are there entries in case diary in the hand of the Magistrate ?

8. Have various periodical returns been submitted in time .

9. Has the court requisite quantity of prescribed forms ?

10. Has is started all registers as laid down in criminal rule ?

11. Is issue of summons prompt ? (May be checked with entry in Dak book compared with date of order in order sheet.)

12. Is proper Talbana being recovered ?

13. Has cashier furnished requisite security ?

14. Where is cash being kept ?

(a) Is it safe ?

(b) Is it correct as per book balance ?

(c) Do the cash registers bear initials of the Magistrate against various entries ?

15. (a) Is the diet money register properly maintained ?
(b) Is disbursement by the Magistrate ?
16. (a) Is diet money of witnesses, summoned by private parties, entered in a separate register ?
(b) Is action being taken by Magistrate to dispose of money in respect of decided cases ?
17. Is fine register being properly maintained as laid down in criminal rules ?
18. Does every entry bear initials of Magistrate ?
19. (a) Is fine money deposited in treasury on the date of receipt or at the most, on next day ?
(b) Are challan Nos. quoted against deposit entry ?
Is there any balance in the fine register ?
20. (a) Are separate receipt books being kept for receipt of fines ?
(b) Is the book in use sent to T.O. for verification at the end of the month ?
21. (a) Are the files properly arranged in Nathies ?
(b) Are the papers entered on the index ?
(c) Are the index of exhibits with every file duly completed.
(d) Are all court fee stamps punched ?
22. Are the decided files being regularly consigned to records?
23. (a) Are the registers for copies properly maintained ?
(b) Are copies prepared without undue delay ?
(c) Are copying fees being recovered only through Copying stamp and not through court fee stamp or in cash ?
24. Are the Malkhana articles properly arranged and not rotting due to white ants or rats ?
25. Are any Malkhana items still pending which have been ordered to be auctioned or returned after decision of a case;

No. F. 21(1) O&M/Gr.-I/76.

Government of Rajasthan

(O & M-Gr.-I) DEPARTMENT

Jaipur, dated the 23 April, 1976.

Sub :- Amendments in District manual Part-I

I am directed to say that the following amendments are made in the District Manual Part I :-

CHAPTER VI

para 9 Existing para 9 may be substituted as under :-

Sanction for recovery of such demand will be accorded by the Collector provided the amount is not less than the average amount of the last three years. In case the demand is less than the average of the last three year, the same will also be sanctioned by the Collector provided the reduction in the demand is only up to twenty five percent. In all other cases where the reduction in the demand is more than twenty five percent of the average of last three years, the sanction will be accorded by the Board of Revenue.

Sd/-

(H.P. AGARWAL),

Deputy Secretary to Government.

Sub-Amendments in District Manual Part I.

I am directed to say that the following amendments are made in the District Manual Part I :

Para 10 Existing para 10 will be read as 10 (a) and the following new sub-para will be added as under :-

10 (b) Sanction for recovery of such demand will be accorded by :-

- | | |
|---|------------|
| (i) Board of Revenue upto Rs. 25000/- per annum per case. | |
| (ii) Collectors | "10,000/-" |
| (iii) sub Divisional Officers. | "5,000/-" |
| (iv) Tehsildars. | "2000/-" |

Provided the amount is not less than the average amount of last 3 years. In case the amount of the bid is less than the average of last 3 years, the Board of Revenue may sanction the revenue yielding contract in the cases for which the collectors are competent, Similarly for cases which are to be sanctioned by the Sub-Divisional officer and Tehsildar, a reduction in the demand as against the average of the last 3 years shall be sanctioned by the collector and the Sub-Divisional Officers respectively. All other cases beyond these powers shall be referred to the Government in the Revenue Department for sanction. While recommending the case, the officer incharge will have to furnish detailed reasons as to why the bids have been less than these of at last 3 years and whether there is any possibility of getting higher bids if it is reactioned.

10 (c) :

- (a) In the Tehsils, the files relating to miscellaneous demand as mentioned in para 10 (a) shall be maintained by the Office Kanungo, as provided in Rule 226 of the Rajasthan Land Revenue (Land Record) Rules, 1957 on the basis of reports received from the patwaris in the beginning of October every year. For the purpose, a village-wise register shall also be maintained by the Officer Kanungo to ensure proper control over the income derived from sale/ auction of natural produce.

(b) The files, after sanction shall be given to the Tehsil Revenue Accountant for incorporation of the demand in the Register maintained for the purpose. The Tehsil Revenue Accountant after entering the demand in the registers shall return the file to the Office Kanungo with a note indicating "that the demand has been entered at page " S. NO. On (date)

(d) The Tehsil Revenue Accountant shall prepare a village-wise demand statement on the basis of entries made in his registers and include the total demand in the D.C.B. statement of the month in which such demands are sanctioned and also send a copy of the demand statements to the Collector along with the D.C.B. statements. It shall be the duty of Tehsildar to ensure that the demand of natural produce is timely sanctioned and incorporated in D.C.B. statements. At the district level the District Revenue Accountant shall keep an up to date record Tehsilwise and seen that the demand shown in the Tehsil D.C.B. statement agrees with the demand statement received from the Tehsil. He will then include the consolidated demand in the District D.C.B. statement.

Sd/
H.P. AGARWAL
Dy. Secretary to Government.
No. F. 3 (33) O&M/Gr. I/76-1
GOVERNMENT OF RAJASTHAN
O & M (Gr.-I) DEPARTMENT
jaipur, September 15, 1976.
JAWRA GDA H.H. CIRCULAR
Sub-Office attendance - Late coming.

In supersession of this Department Circular of even No. dated 25-2-76 para 20 of the Secretariat Manual laying down the procedure to deal with late coming to office, with and without

permission, is modified as below :-

- para - 20 (a) every Government servant is expected to apply for leave if he is not in a position to attend office at the prescribed hour. No post facts permission for coming late should normally be granted. An employee who is unable to attend owing to unforeseen circumstances should try his utmost to convey this fact to his superiors, in writing or orally,
- (b) those who attend office after prescribed hours will be marked late and full day's leave shall be debited to C.L. account.
 - (c) In respect of gazetted staff who are found late even on first occasion, they should be served a recorded warning. Such warning shall be placed with the ACR file.
 - (d) on second default during the same calendar or financial year, depending upon on what basis C.L. account is kept in case of gazetted as well as non-gazetted, a person should be treated as on leave without pay but this will not be reckoned as break in service for purposes of pension, increment, seniority etc.,
 - (e) third and subsequent lapses during the same year in case of gazetted as well as non-gazetted employees will be deemed to be persistent late coming and action may be taken as per provisions of GAD Circular No. F. 2(2) GA/A 65, dated 2-7-65 reiterated vide O&M Department Order No. F 3 (33) O&M/Gr. II/74, dated 25-2-76.

The existing provisions for late coming as laid down in paragraph 5 of the Hand Book of Office Procedure of Departments and offices subordinate thereto and para 6-9 of Chapter III District Manual (Part-I) will also stand modified and substituted as above.

Sd/-

H.P. AGGARWAL

Dy. Secretary to the Government.

Copy of order No. 2 (2) G.A./A/65, dated 2nd July 1965 of GAD (A)

Sub -Punctuality in Government offices.

Over the last few years the Government from time to time issued instructions regarding observations of punctuality in the Government offices and have on various occasions awarded punishments also to the late comers. The Government have however, observed with concern that the position in this respect has not improved substantially. It is primarily the responsibility of the immediate superior officers to ensure punctuality in their respective offices and it is obvious that they have failed to discharge their responsibility satisfactorily. It is necessary that greater strictness at all levels is observed in this respect and that suitable punishments are awarded to the persistent late comers. The Government have therefore decided that wherever there is persistent default in this respect, the following action shall invariably be taken :-

When a default of this nature is pointed out for the first time, a verbal warning should be given. When the default is pointed out a second time a recorded warning should be awarded to the delinquent. If the Govt. Servant concerned still persists in his unpunctuality and it is necessary to take necessary action against him and a third time his one grade increment without cumulative effect should be stopped. If in spite of all this he persistently defaults then three grade increments without cumulative effect should be stopped, stoppage of grade increments should however, take place after observing the necessary formalities under the Rajasthan Govt. servants (Classification, control and Appeal) Rules.

There should be a periodical check up and surprise visits by the superior officers to ascertain that punctuality was being observed by all Government employees.

A lunch break has been provided during the office hours, It is necessary that punctuality is observed while arriving in the office in the morning and immediately after the lunch break as well.

In order to tighten up the procedures in this respect further it is enjoined that the attendance registers in respect of the ministerial staff (and also other subordinate staff where feasible) should be put up before the Assistant Secy. nominated by each Secretary 15 minutes after the office is scheduled to start functioning each day in case of Secretariat and before a gazetted

GOVERNMENT OF RAJASTHAN
DEPARTMENT OF PERSONNEL AND
ADMINISTRATIVE REFORMS
(ADMINISTRATIVE REFORMS, GROUP-I)

ORDER

Jaipur February 7 1981.

No. F. 29 (2) DOP/AR/1/79 -The Governor has been pleased to order that para '276' of the District Manual Part I may be substituted as follows :-

"276" The Following number of days and cases have been fixed for the Collectors, and the Assistant Collectors :-

Name of the Offices	No. of days in a months.	No. of Cases/ Appeals/ Revision.	Misc Appli- cations.
1. Collector where no Additional Collector is provided.	6	20	40
2. Collector where Additional Collector is provided.	3	10	20
3. Additional collector.	20	80	
4. Assistant Collector	20	20 Suits or 60 application and 30 Criminal cases per month.	

According to the above modification in Appendix XIII of District Manual Part I under heading C-Case Work Revenue against item number 1, 2, 3 & 5 the following may be

(officer nominated by each head of the Dept. in case of offices of the Head of Departments, and before the Heads of the offices in case of other offices.

Each Secretary to Government and Head of a Dept. will maintain an attendance register in respect of gazetted officers who are working immediately under him at the Headquarters. This register will be kept in the room, where the Secy. to Govt. of the Head of the Dept. sits. Each gazetted officer will sign in the register every day immediately on arriving in office in token of his presence in office. All secretaries to Govt. will send these registers once a month to the Chief Secretary for perusal.

Similarly in other offices such a register will be maintained by the Senior most gazetted officer who is in charge of any officer and a similar procedure will be followed by the other gazetted officers subordinate to him and who are posted in that office.

The Divisional level officers will be responsible to pay surprise visits to the offices of the District Level officers and other subordinate offices at their Headquarters from time to time and will report to their Head of the Dept. whether punctuality was being observed or not. They will take necessary disciplinary action also where necessary. In districts where Divisional level officers are not posted this duty will devolve on the respective Collectors. They will visit the various offices, of the other departments located within their districts from time to time and intimate to the respective Head of the Department for necessary action, the position in respect of the punctuality in such offices.

There should be a periodical check up and surprise visits by the superior officers to ascertain that punctuality was being observed by all Government employees.

A lunch break has been provided during the office hours. It is necessary that punctuality is observed while arriving in the office in the morning and immediately after the lunch break as well.

In order to tighten up the procedures in this respect further it is enjoined that the attendance registers in respect of the ministerial staff (and also other subordinate staff where feasible) should be put up before the Assistant Secy. nominated by each Secretary in minutes after the office is scheduled to start functioning each day in case of Secretariat and before a gazetted

substituted :-

Name of the Offices	No. of days in a months.	No. of Cases/ Appeals/ Revision.	Suits.	Misc. Appli- cations.
1. Collector where no Additional Collector is provided.	6	20		40
2. Collector where Additional Collector is provided.	3	10		20
3. Additional collector.	20	80	—	—
4. Assistant Collector	20	20 Suits or 60 application and 30 Criminal cases per month.		

By Order,
Sd/-

(SUDHIR VERMA)

Special Secretary to the Government.

**DEPARTMENT OF PERSONNEL AND
ADMINISTRATIVE REFORMS
(ADMINISTRATIVE REFORMS, Group-I)
AMENDMENT**

Jaipur, June 2, 1981.

No. F. 16(6) AR/Gr.-I/81- The existing provisions for late coming as laid down in Para 5 of the Hand Book of Office Procedure for Departments and Offices Subordinate thereto.

and

Paras 6-9 of Chapter III of the District Manual (part-I) stating as under :

(b) "those who attend office after prescribed hours shall be marked late and full days leave shall be debited to C.L. account" are hereby amended as below :-

(b) "those who attend office after prescribed hours will be marked late and half day's C.L. shall be debited to their C.L. account".

By Order

Sd/-

(SUDHIR VERMA)

Special Secretary to Government.

**DEPARTMENT OF PERSONNEL AND
ADMINISTRATIVE REFORMS
(ADMINISTRATIVE REFORMS, Group-I)**

NOTIFICATION

Jaipur, January 24, 1984.

No. F. 13 (26) AR/Gr.-I/61, Pt. II - The governor has been pleased to make the following amendments in Part 'A' "Inspections of Appendix-XIII, under para 232 of Chapter 5 of District Manual part, I namely :-

AMENDMENTS.

1. **At S.No. 1.** -Collector and District Magistrate -

(a) For the existing entry in column No. 3 against item No. 3 "Tehsils of column 2, the following shall be substituted, namely :-

" 1/3 of the total number of Tehsils in the Districts or 4 Tehsils whichever is more will be inspected by the Collector in a year and rest by Additional Collector in rotation in such a manner that every Tehsil is inspected either by the Collector or Additional Collector every year"

(b) For the existing entry in column No. 3 against Items No. 5-'Jails' and 6-'sub-jails' of column 2, the following shall be substituted, namely :- "Once in a year."

(c) For the existing entry in column No. 3, against items No. 9- 'Panchayat Samitis' of column No. 2, the following shall be substituted namely :-

"1/4 the total number of Panchayat Samitis or 3 panchayat Samitis whichever is more, shall be inspected by the Collector in a year and rest of the Panchayat Samitis shall be inspected by Additional Collector (Development) in a year in rotation, in such a manner that every Panchayat Samitis is inspected either by the Collector, Additional Collector every year"

Additional Collector and Additional District Magistrate :-

(a) In the end of the existing entry in column No. 3 against item No. 1 office of the Collector of column No. 2, the following shall be added, namely :-

"About 6 months after the inspection by the Collector :

(b) In the end of the existing entry in column No. 3, against item No. 2 'Jails/sub-jails' of column 2, the following shall be added, namely :-

" About 6 months after the inspection by the Collector"

By Order

Sd/ SUDHIR VERMA

Deputy Secretary to the Government.

**DEPARTMENT OF PERSONNEL AND
ADMINISTRATIVE REFORM
(ADMINISTRATIVE REFORMS, GROUP -I)
AMENDMENT**

Jaipur February 1, 1984.

No. F. 22 (2) AR/Gr.-I/83 -In pursuance of this department Circular of even number dated 16-7-83 para 6,7,8 and 9 of Chapter - III of District Manual may be substituted as below :

Para-6 If an official is found to come late for more than twice a week one day's casual leave should be ordered to be deducted from his casual leave account. A copy of the order so issued will be placed on the personnel file of the official and should invariably be referred to while issuing his annual performance appraisal report.

Para-7 Only casual leave has to be deducted in the manner aforesaid and if before the expiry of a year, casual leave of an official is exhausted, he may be sanctioned leave without pay, if an occasion for the same arises. It is still, however, not constitute a break in service for purpose of pension, increment etc.

Para-8 Again an official who is a habitual late comer, disciplinary action should be initiated under rule 17 of the C.C.A. Rules.

Para-9 An officer who is authorised to keep the attendance register in his custody should check it at 10-00 A.M. sharp and initial it nothing the time also.

Para 9A The next Supervisory Officer should call for the attendance register once a week and check the punctuality of the staff and propose initiate disciplinary action, if any, warranted.

Para9B Collector concerned will send monthly report regarding attendance to the Special secretary, Administrative

Return by the 7th each month in the following proforma:-

Report of the _____ Deptt. for the month of _____ 1983

S.No.	No. of the official who come late.	Action taken			
		No. of the officials in whose case casual leave has been deducted.	No. of the officials in whose case leave with pay was sanctioned.	No. of the official in whose case action was taken under rule 17 of CCA Rules.	No. of the cases in whose case final orders have been issued under Items. No. 5
1	2	3	4	5	6

No. of the officials in whose cases Disciplinary action is pending	Remarks
7	8

By Order,

Sd/-

C.L. KHANNA,

Deputy Secretary to the Government.

ERRATA

S.No.	Chapter	Page	Line	In Place of	Read
1	2	3	4	5	6
1.	V (46)	93	1	Communication	Communicate
2.	V (53)	94	2	detailed	as detailed
3.	V (99)	112	21	gent	government
4.	(Note)	112	21	terun	term
5.	V (130)	122	19	(1) O. letter	D.O. letter
6.	V (186)	137	2	Boon	Book
7.	V (187)(20)	139	18	Government-g	Government-G
8.	V (187)(21)	139	23	Government-g	Government-G
9.	V (188)	140	13	then	their
10.	V (192)(15)	143	1	abstract	an abstract
11.	V (193)(5)	145	21	proceedins	proceedings
12.	V (230)	156	heading	Low Income Middle Income Group Housing Schemes Settlement	Low income and Middle Income Group Housing Schemes Settlement Department foundation
13.	V (231)(9)(i)	160	12	foundation	Settlement
14.	V after 270(VIII)	172 heading	8		
15.	V Second Schedule	209	14		Heading 'C' has not been print- ed in the end of words. Name of the Court of 'B'
16.	V Second Schedule	209	19-20	Set aside on appeal as the case may be) on the..... released on bail pending appeal (of released on the sentence being	released on bail pending appeal (or released on the sentence being set aside on appeal, as the case may be) on the.....
17.	V (Appen- dix VIII)	219	19	6	'C'
18.	V (Appendix- IX)	231	11	others	other
19.	V (Appendix- X 3)(7)	234	(Heading)	31 retrievey	Registers. retrieved
20.	V (Appendix- X)(3)(7)	234	31	men	files
21.	V (Appendix- XII) (46)	243	34	200/-	2000/-

1	2	3	4	5	6
22.	V (Appendix- XV) (VIII)(b)	257	16	data	date
23.	VI (Form (No. 2)	317	16	D. Non-khalsa	B. Non-khalsa
24.	VI (Form No. 2)	317	End	'Not printed'	Total-I
25.	VII (80)	340	29	criminal a case of	criminal app- eal or in a case of
26.	VII (94)	345	25	specially em- powered to record confession	specially em- powered to record confes- sion Dated the.....
27.	VII (97)	346	8	Laner order	Law and order
28.	VII (101)	346	34 35	Witnesses allege that they can identify persons who took part in the identification proceedings should be above suspicion when.	the identificati- on proceedings should be above suspicion. When witnesses alege that they can identify persons who took part in
29.		369	1	Additional Collector.	At.S.No. 2 Additional Collector.
30.	VI	308	15	Para 9	Substituted vide order No. F. 21 (1) O & M/ Gr. 1/76 dated 23-4-76 (page 359)
31.	I	14	28	Para 10	Read as 10 (a) at page 360
32.	I	14	sub para 10 (b) and 10 (c) and 10 (d) added v ide order No. 21 (1) O & M/ Gr. 1/ 76, dated 23-4-76

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1	2	3	4	5	6
33.	V	175	Para 276		substituted vide order No. 29 (2) DOP/AR-I/79, dated 7-2-81 (page 365)
34.	V	245	Appendix-13		Amended vide order No. 13 (16) Ar-Gr. 1/61 pt. II, dated 24- 1-84 (page 368)
35.	III	14	Para 6, 7, 8, 9		substituted vide order No. 22 (2) AR/Gr. 1/83 dated 1-2-84 (page-370)

FOREWORD

This second volume of the District Manual contains detailed instructions about classification, weeding and maintenance of records and allied matters. The condition of records in the different districts is at present very unsatisfactory. I hope that officers will follow these detailed instructions and put their record rooms on a satisfactory basis.

RAJASTHAN SECRETARIAT,
JAIPUR
December 11, 1954

B. G. RAO,
Chief Secretary to the
Government of Rajasthan.

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DISTRICT MANUAL (RECORDS)

CHAPTER I.

Definition. - The Manual shall be called Rajasthan District Manual (Records) and shall come into force with immediate effect.

2. *Repealing old Rules or Hidayats* - All previous rules or Hidayats relating to the matters, which are provided for in these rules, are hereby repealed. The rules to govern the procedure on these matters have been laid down in General Rules (Criminal) 1952 for the guidance of the subordinate criminal Courts and shall be followed.

3. *Class of files admitted* - The District Record Room shall contain the following records :-

- (1) Criminal Case work files.
- (2) Revenue case work records.
- (3) Revenue Records.
- (4) Revenue Accounts.
- (5) Establishment and Office Accounts.
- (6) Records of miscellaneous proceedings.
- (7) General files and records.

The records of Civil Courts do not, however, as rule come into the District Record Room.

4. *Establishment* - The duty of the establishment is to receive, check issue, restore, weed and destroy weeded records. All the records will be arranged on the steel racks vertically i.e. side by side on edge and not horizontally i.e. piled up on top of one another.

5. *Supervision of the records* - Subject to Government orders fixing the scale of establishment, the charge of the establishment and General Supervision of the records will rest with the Collector of the District. It is essential that the Superintendent or official in charge of the records and his assistants be kept strictly to their proper duties. The Superintendent or the Official in charge should himself be required actively to direct and supervise all the current business of receiving and issuing records, and he should himself take a considerable share in this work. He should not be allowed to spend an undue proportion of his time on writing reports and officers should not call upon him for reports about particulars of the previous cases, but should require the parties to a case to file necessary copies. If any officer wishes that any file should be examined or any particulars of its contents be furnished he should depute some member of his ministerial establishment for the purpose and the official, so deputed, should be allowed to examine the files in the record room under the supervision of the Superintendent or official in charge. In the District record room transfer should not be too frequent. Experienced hands should be

posted as far as possible. The Collector should insist that no undue requisition for files is made on the records Office. Any court or officer continually infringing this rule should be brought to the notice of the Collector.

6. *Control and inspection of record room* - The control of the District record room and the ultimate responsibility for its good working rest with the Collector. The duty of exercising constant supervision over the record room should, where practicable be made over in each district to Assistant Collector, who will then be specially responsible for the proper performance of the work. The officer in charge of the records should make a complete inspection of all the records registers and examine the work of the establishment both permanent and temporary every quarterly. For the guidance of the inspecting officer a questionnaire has been drawn up and added as Appendix 'A'. The inspecting officer is at liberty to direct his attention to such question only as he may desire or to go beyond the questionnaire if he wishes. He should send his inspection report to the collector for information. On return from the Collector the inspection note should be kept in a file by the Superintendent or official in charge records.

(a) The doors of the record-room and its ante-room shall be supplied with proper locks.

The officer Incharge Records shall be responsible for the opening and closing of the record room, the keys of which shall after office hours, be placed by him in the box provided for the purpose. The key of the box shall remain with the officer commanding the treasury police guards.

(b) The entry to the record-room shall be by one door only. The only persons who shall be allowed to enter the record-room are those who have duties to perform in the record-room viz, the revenue authorities, the record-room officials and any other official under direction or order of a revenue officer.

(c) The entry to the ante-room shall also have one door only, and no one shall be allowed to enter this room unless he has some official business or unless he is inspecting a record under Chapter iii. No one shall be allowed to inspect records under that chapter except in the ante-room.

Note - If there is any record room to which no ante-room is attached, the Collector will, no doubt be able to arrange that a portion of an adjoining room be railed off for the purpose. It is quite necessary at all events that the copying should be done in a separate room or in a portion of the room railed off for the purpose, Commissioners are requested to see that some

suitable arrangement is made.

(d) The Officer in charge shall visit the record-room at irregular intervals, and on each occasion shall examine some part of the record-room work, noting the same and the result briefly in the prescribed inspection diary which he shall submit for the information of the collector at such intervals as the Collector may prescribe.

(e) The Officer-in-charge shall open out and examine the contents of some of the Bastas. In doing this he shall compare several of the files in the Basta with the Basta list and also with the general register. A certain number of Bastas should be examined from each other or the parganas within 12 months, so that the examination of Bastas shall extend over portions of the whole of record-room during the year. In examining the records in Bastas the Officer-in-charge should devote particular attention to the cases relating to Miscellaneous Revenue demands in order to see that Government dues have been collected and credited into the Treasury.

(f) Should it be found that the records of any record-room are likely to be injured by the dampness of the room or owing to want of proper protection against the needless exposure to weather, the Collector should make proposals for removing this defect.

(g) For the preservation of bound books and other records which are only required on rare occasions, the Collector should instruct the Officer-in-charge of the record-room to make periodical inspection of such book and records and to take out at once for repairs any which shows signs of damage. All records of the kind, even though they show no signs of damage, should be periodically exposed to the air. The Collector should make the charge and custody of such books and records, both English and Vernacular, the particular duty of one of the subordinate hands in the record room.

7. *Monthly report of work done* - The Superintendent or the Officer in charge of the records should submit a statement in the following proforma to the officer in charge of the records in the first week of the following month under report. The maintenance of Diaries of the work performed by each clerk in the record room may be ordered, if necessary, by the Collectors. -

Statement showing the work done in the records during the month 195

Total Number of files received during the year up to the end or the last month.	Number of files received during the month	Total of Columns 1 and 2	Number of recorded files issued during the month on requisition.
1	2	3	4

Number of files weeded during the year upto the end of the previous month	Number of files weeded during the month	Total of columns 5 & 6	Remarks
5	6	7	8

8. *Arrangement of files before they are sent to records* . - In the arrangement of the records there are two operations, viz (i) the compilation of the files and (ii) the placing of files in their proper places in the record room. The compilation of files is done by the clerk dealing with the cases before it comes into the record room. A statement of the common omission and errors as per proforma appended as Appendix 'B' must be used. In the records files are received both from English and Hindi sections.

9. *Compilation of files* - Following procedure relate to the compilation of files :-

English Files

correspondence portion and note portion of the file should be kept separately. The Note portion should be kept after the correspondence portion. The correspondence portion of each file should be numbered no paging number is to be given on blank sheets. Similarly the note portion should bear consecutive paragraphs and page numbers. the number of pages of the note portion and correspondence should be indicated on the title page at the space provided for them .

11. Relevant files should be carefully counter marked i.e. previous and later file numbers, if any, should be given on the title page for further references.

12 While closing the file, care should be taken to see that all the communications dealt with on the files are available on the files. If any communication has been returned in original or sent to some other section

a note to that effect may be made in the proper place.

13. All the diary numbers of the recorded files should be properly marked in the columns of backward and forward chain. Against the last diary number the word 'Recorded' should be entered in the column of movement with date of recording. file number may be given against the last diary number.

14. The Superintendent or Officer in charge should see that no section ordered or suggested has been overlooked ; that the papers in the recorded file are complete and they include no irrelevant paper or papers belonging to other files. Following papers should be removed before consigning the files to the record :-

- Reminders if they have not been dealt with in the nothing and do not contain explanation of delay.
- Rough copies of fair draft.
- Proof of finally printed papers.
- Unnecessary brown covers.
- Office slips, tags and pins.

15. Before the files are actually sent for consignment to records an endorsement to the effect "No action remains case may be recorded" may be given at the end the notes under the signature of the office superintendent.

Hindi Files.

16. Papers which form part of the same case or proceedings (Misal) should first be brought together. The leaves which compose it should be numbered according to the date on the other corner of each leaf, and should be tied with thread and have an index on a separate sheet attached to them. English notes and judgments or decisions should be placed separately in envelopes of strong papers and the envelopes attached to the file in their proper places.

17. The index should show prominently the name and number of the village, the nature of the case and the date of the final order. It should also give the designation and date of the paper composing the file, each entry being marked with a number corresponding with that borne on the outer corner of the leaves of the paper. The list should be totalled closed and signed, where closed, do as to prevent future additions, any addition necessary to be made by the record department being made in Red Ink. The Preparation of the Index and the arrangement of the file should be very carefully attended to by the clerk concerned, as mistakes in them throw considerable work on the record room establishment.

18. The file of every case belonging to the vernacular office, even if the case consists only of single application must have an index, on which shall be entered a list of all papers belonging to the file. this will not be necessary in the case and files excluded from the record Room *vide* Rule 20.

19.(a) The list must be drawn up as belonging to A, or B files where there are two parts, in the proper column of the Index.

(b) In Revenue cases there shall be two files *viz.* A & B and shall, as far as is permitted by the nature of the case contain-

- (1) Index of papers.
- (2) The order sheet or chronological abstract of orders.
- (3) The plaint, petition, application, appeal, or other paper originating the case with any annexures thereto.
- (4) The written statements and pleadings of the parties.
- (5) Applications of third parties with orders thereon.
- (6) Record of points at issue with amended or additional issues, if any.
- (7) All documents received, as evidence, with list thereof, including maps, pedigree-tables and any documents prepared under standing orders or by order of any officer dealing with the case. Copies of Judgments, decrees or orders of lower Courts and Offices.
- (8) Record of oral evidence.
- (9) Reports from office, record, department, subordinate officers or other persons with the proceedings, depositions and documents submitted therewith.
- (10) Application to refer to arbitration, the award or other final return of the arbitrators with the proceedings, depositions and documents submitted therewith, and any application to set aside the award with order thereon. Application for issue of commissions, proceedings held thereunder, and reports of Commissioners with annexures thereto.
- (11) Instrument of partition, with drawl, compromise, or confession of judgment.
- (12) All notes or papers in the handwriting of the officer dealing with the case.
- (13) Application for and orders of arrest or attachment before judgment, with all documents relating thereto.
- (14) The Judgment or other final order.
- (15) The decrees and all documents relating to the preparation or amendment thereof.
- (16) List of connected files.
- (17) Application for review of judgment or order or for a new hearing with orders thereon.
- (18) Judgments, decrees and orders of appellate court, if any-

(19) Receipts and dakhilas for money credited or disbursed and for documents returned.

(20) Reports of execution and acknowledgment that the final order has been carried out.

(21) Notices issued against defendants, with report and statement of process-server in cases in which an ex-parte decree has been passed.

(22) Notices of ejectment.

(23) Diary of process fees.

(24) Warrant of attachment or of possession or arrest. List of property attached, notices and warrants of sale (together with proceedings resulting therefrom)

(25) All orders passed in execution proceedings with all applications, objections, writs of which service has been effected notices, reports and returns relating thereto, and all receipts and acknowledgment filed in such proceedings.

Note - Notices issued in objection proceedings against other parties and witnesses, with applications, giving list of witnesses need not be brought on file 'A'

(26) Special powers of attorney with permission to institute execution proceedings or recover decree money.

Free B shall contain all papers not included in file A.

19. (a) Similarly in criminal cases (A) file shall contain the following papers :-

(1) Record of statement of confession (section 164), plea (Section 271), and examination (Sections 342 and 364) of the Code of Criminal Procedure, 1898 of the accused.

(2) Proceeding on which cognizance was first taken, police report, etc. (section 190)

(3) Charge and altered charge.

(4) Order consenting to the withdrawal or stay of charge (Section 340 and 494) .

(5) Sentence.

(6) Record in summary trial.

(7) Heads of charge to jury.

(8) Verdict and amended verdict.

(9) Record of opinions of assessors.

(10) Record of proceedings under section 310.

(11) Record of composition of an offence (Section 345).

(12) Record of evidence.

(13) Judgment.

(14) Copy of High Court's order regarding a sentence of death (section 379)

- (15) Warrant or other paper returned on execution of sentence.
- (16) Copy of order convicting a sentence or suspending the execution thereof, or remaining punishment.
- (17) petition of appeal or application for revision.
- (18) Copy of Judgment or order in appeal or revision.
- (19) Certificate or judgment or order in appeal or revision.
- (20) Commission with return thereto and deposition.
- (21) Deposition of medical witness.
- (22) Report of Chemical Examiner.
- (23) Proof of previous conviction.
- (24) Order for disposal of property (chapter XLIII).
- (25) Order of transfer.
- (26) Order Sheets.
- (27) General Index.
- (28) Treasury receipts.
- (29) File of Exhibits including indexes of exhibits.
- (30) Bonds under section 106, 107, 108, 109, 110 and 562 of the code of Criminal Procedure.
- (31) Papers relating to the identification of the accused person in the jail or elsewhere.
- (32) Papers relating to the identification of stolen property.
- (33) Map of the locality placed on the file of a case.

Part B.- Shall include every other paper in the record unless, for reasons to be stated thereon in writing the court orders any such papers to be placed in Part A.

In any case in which a proceeding belonging to Part A and a proceeding belonging to Part B, are recorded on one and the same paper, the paper shall belong to Part A.

20. (a) *Papers which need not go into the Records room* -All files which are to come into the record room must be arranged in accordance with the above rules. There is however, a large number of general papers which are excluded from the record room. In these cases it is not necessary to prepare an Index and the paper should be arranged separately and disposed of by the clerk in charge in the section or department in the manner laid down in column 2 of the list referred below. The destruction should be carried out in the presence of the Officer under whose orders he works.

(b) It is not possible to give an exhaustive list of files or cases which are not to come to the record room. However, a tentative list of such items is given at Appendix 'C'

21. *Separation of A files from B files and disposal of the latter.* - When the final order of the original authority has been passed in any case the A papers with their index will be separated from the rest and placed in their

proper Basta, or yearly bundle. The file B papers will then be placed in a separate set of racks set apart for the storing of B papers only. In the index of A files such reference should be given as will enable the Superintendent or incharge record to get out both series of papers and put them together. When the file is again received in their record room after the final order in the appeal has been passed, the file B papers will be again separated and dealt with as before, and the same procedure will be followed in case of further appeal. In racks provided for B papers 12 partitions should be prepared and marked according to the months of year. The papers of each case should be placed in the partition marked with the name of the month in which the final order (of the original authority in case in which there has been no appeal, or of the final appellate authority in case in which there have been one or more appeals) has been passed. The whole of the papers in any partition will be ready for destruction in the following year on the first day of the month following the month with the name of which it is marked, and they may be removed en masse, and destroyed without the trouble of sorting.

22. *Classification of files for purpose of retention*- (a) Recorded revenue files and registers shall be preserved in record for the period mentioned in the statement at Appendix D.

(b) Record relating to criminal cases shall be retained according to the instructions given in the General Rules (Criminal) 1952 Appendix B.

(c) Recorded files and registers relating to accounts records of officers rendering accounts to A.G. shall be preserved according to the instructions contained in G.F.A. (Appendix XII) and as at Appendix F.

(d) Other recorded files should ordinarily be classed for the purpose of retention under the following four classes :-

- Class I to be retained for five years.
- Class II to be retained for ten years.
- Class III to be retained for twenty years.
- Class IV to be retained permanently.

(i) All important files or notes containing orders for future guidance or establishment precedents will be retained permanently.

(ii) Cases in which the conduct of officer has been noticed and entries made in the character rolls be retained so long as the officer affected remains in the service of Government.

(iii) Subject to the instructions contained in Clauses (i) and (ii) above, Superintendent or incharge of office will exercise his discretion as to the period of retention of files in one or the other of classes given above according to the importance of the subject dealt with in the files. It is hardly possible to compile an exhaustive list for this purpose but the following examples are given for guidance.

(a) Class I Should include cases such as suits by or against Govern-

-ment, entertainment of Temporary establishment, audit and inspection reports finally settled, retention or retirement of Officers, answer to questions asked in the Legislature, results of departmental examination, leave, posting, resignations, and transfers of the officers, other than which form part of its personal files of the officers maintained by the appointing authority.

- (b) Class II Should include cases such as appeals against disciplinary action, corrections, and amendments in manuals service rules, census reports; sale of movable property or immovable property probate returns, compassionate gratuity, appointment of permanent establishment imposition of additional police and report on annual religious fairs.
- (c) Class III Should include cases such as revision of the settlement of district other than rent reports, alteration in the date of birth of gazetted Officers and acquisitions of land.
- (d) Class IV Should include all cases of importance such as construction of Government buildings, delegation of power, change in the names of distt., sub-divisions, Tehsils, or village, grant of land or assignment of land revenue and boundary disputed and other files and documents of historical importance.

The class under which a file has been classified should invariably be shown on left hand top corner of file covers to indicate the period for which it is to be retained.

23. *Maintenance of Confidential files* - confidential files should be separately recorded and kept in the departmental confidential almirah. Such cases may later be transferred to the record room if the departments or section concerned consider that they are no more confidential.

24. *Index Cards* -(a) Before the file is consigned to records cards or slip/index containing subjects and file numbers of records and index heads selected out of the subjects are to be prepared. These index cards are to be arranged in alphabetical order and kept in a cabinet or binder to facilitate the tracing of files with minimum time and labour.

(b) Indexing is of the upper most importance. It is difficult to prepare an exhaustive list of index heads. However, A tentative list is furnished at Appendix 'G'

(c) The subject on the index cards will correspond with heading of the final draft and it should tally with the entry in the file register.

(d) The index cards/slips put in the cabinet or binders will be checked

by the Clerk in charge once a month and by the Superintendent once a quarter with a view to see that the card/slips are properly arranged in alphabetical order and according to index subjects.

25. *Classification of files into Mauzawar and Kuliya* -Files are arranged either by villages (mauzawar) or by (Kuliya) The following files are arranged Mauzawar.

All Judicial files (Criminal and Revenue) except those detailed below.

1. Collection of land revenue.
2. Registration.
3. Land acquisition

Following files should be dealt with as Kuliya :-

Criminal

1. Cases dismissed under section 209 C.-P.C.
2. Cases under section 349 Police Act, Hackney carriage Act, Cattle trespass Act, Workmen's contract Act, Municipal Act, Cruelty to animals Act, Vaccination Act.
3. Fine files.
4. Pounds.
5. Unclaimed property
6. Miscellaneous cases

Executive.

1. Chaukidar.
2. Taccavi.
3. Nazool and other Government Land.
4. Forest.
5. Establishment.
6. Revenue Accounts.
7. Revenue Files.
8. Court of Wards.
9. Stamps.
10. Supplies.
11. Treasury.
12. Contingence.

Mauzawar.

26. When files are arranged Mauzawar the cases relating to each village are brought in one bundle (basta) The Goshwara shall be in the form R.I. and RII in the Appendix H.

27. *Specification of basta* - The following consideration should determine the basta in which, in the case of files kept Mauzawar the file

should go :-

- (a) Criminal files (the residence of the complainant)
- (b) Police files (the scene of Offence)
- (c) Revenue files (the locality of the property)

28. *Arrangement of village bundles* :-The files of each village should be tied together and kept between boards, as far as possible. The basta should be of manageable size so that there may not be any difficulty in handling of files. The basta should be arranged by tehsils, each tehsil having a different coloured cloth, if possible. Separate bundles should be made of executive criminal, and revenue cases. The goshwara may remain with their proper bastas until they can conveniently be bound up in volume and kept separately for references.

29. *Arrangement of Kuliat files*- (a) Files treated as Kuliat should be arranged yearwise and be entered in goshwara in form RI and RII in appendix H.

(b) The basta shall be conspicuously lettered and show :-

1. Name of the Mauza and Tehsil.
2. Description of the cases contained in the basta.
3. Calendar year.

(i) When a file is complete in every respect it is ready for transmission to the record-room, the reader of the Court shall sign the certificate on the fly-leaf that the file is complete and in order, and the columns of the fly-leaf shall be totalled.

(ii) In order to avoid confusion, a set day in the week should be assigned as that on which each departmental clerk will ordinarily make over his completed files to the officer incharge record.

(iii) In the case unclaimed rent and revenue deposits, the files should be sent to the record room one month after notice has been given to the payee of the deposit having been made.

(iv) The officer in charge's signature should be entered in the proper column of the file register.

(v) The Officer in charge will be held responsible that no incomplete file is received in the record room.

(vi) If a file is incomplete or incorrectly arranged the officer incharge records shall return it to the Court concerned by means of a report. No files shall be returned to the departmental clerks privately or dimi-officially.

(vii) When a file is received in the record room, the year in which each *nathi* has to be destroyed shall be stamped in large letters at the space assigned for the purpose of the fly-leaf.

30. *Recording of the files in the record room*- (a) In criminal cases each bundle of completed records shall be accompanied by a list in duplicate of the records it contains in the following form :-

List of record of cases sent to the Record Room

on.....from the court of.....

Serial number in the list	Kind of case as per number or original application	Number with Register of cases disposed of	Date of disposal	Name of complainant
1	2	3	4	5

Name of accused	Police Station	Section and law under which charged	Class of Rule Record	Number of case in the register of Institution
6	7	8	9	10

Date of Institution	Number of pages part A	of in Part B	Date part A	destruction Part B	Remarks
11	12	13	14	15	16

List of Police report and Miscellaneous proceedings not filed with the record of a regular case.

Register Number	Name of Complainant	Name of accused	Number of papers	Date of Destruction	Remarks
1	2	3	4	5	6

Reader's signature

Entries in the list shall be made in the order of the date of decision. But if the dates of decision of two or more cases to which the list relates are the same, they shall be entered in the order in which they stand in the courts registers. The list shall be checked and initialled by the Reader.

The reader shall make out an invoice of all the records and other papers forming each consignment to the record room in the following proforma :-

INVOICE OF RECORDS CONSIGNED TO THE RECORD ROOM

invoice	Invoice of Records	consigned to the Record room.		
Serial number.	S. No.	Date	19	
Date of despatch				
No. of files				
(With list of Police Reports and Miscellaneous Proceedings	Number of files Entered in the list of	Entered the list of		

not filed with the record of a regular case (F.No.)

police report and Miscellaneous Proceedings. (F.No.)

regular and miscellaneous cases etc (F. No.)

Class I
Class II
Class III

Reader's Signature

(2) With list of regular and Miscellaneous case (F.No.)

Class I
Class II
Class III

Signature of Reader

I, Officer in charge records do acknowledge receipt of the aforesaid files and do hereby certify that the number of files entered in each list corresponds with the number actually received.

Signature of Officer Incharge Records.

The invoice shall be sent to the Superintendent records who shall compare the number of records and papers entered therein with the number actually received and shall sign the invoice and return it to the Court. This will be attached with the counterfoil in the book.

(b) All other files indented for consignment of the record room should be sent to the Superintendent or official incharge of the record with an invoice in duplicate in the following proforma or with the goshwara perscribed in theis behalf.

S.No.	Section/ Deapartment	Files No.	Subject	Notes Pages	Correrpon dance pages
1	2	3	4	5	6

S.No.	Group of file No.	Remarks
7	8	9

31. *Unchecked record to be kept separate :-* Until the records and papers received in the record room are examined by the racord establishment and accepted, these may be kept separately in a rack set. apart for this purpose. Such place should be outside the main record room containing the accepted files.

After the receipt of the record and paper for consignment to records, the Superintendent record with his assistants shall examine each record and shall satisfy himself :-

- That every record is properly entered in the list if the bundle to which it belongs, and that it has been properly classified :
- that the papers in the record correspond with those entered in

the general Index ;

(3) that the papers in the record bear no erasures or interlineations but those noted in the general Index;

(4) that the papers bear the stamps entered in the geeral index ;

(5) that the stamps have been duly cancelled.

(6) that on each paper the number and aggregate value of the stamps on it have been recorded.

(7) that ail orders habe been duly signed ;

(8) that the providions raltng to the realizsation of frnes have been properly complied with.

If the record is found in order the Superintendent recod shall make the lollowing endrosemnt on the lists or goshwaras recieived with the file to the following effect.

"Record examined and found correct" and sign the same. One copy may be sent to the Court/office sending the files and the other kept in the records. These lists will be got bound so as to form a register of cases.

"Recorded file requisitioned from the record room for reference purposes should never be re-poened to deal with fresh receipts.

32. *Marking the date of destruction of files -* The date of destruction according ot the clallification marked on file, shall be entered at the heads of the form of the index or file cover. If the period is varied by appeal etc. necessary alterations should be in the index or file cover or file covers on receipt of the application or other paper. As soon as the file is prepared for record it will be entered in the appropriate form goshwara and consigned to its proper place. Manzewar files being placd in their village Basta and Kuliata files in their annual bundles.

33. *Issue of files from the record room -* (a) In criminal cases requisition for the files required from the record-room by any court and officer should be in the following form (Form No. 17 vide the general Rules) (Criminal) 1952.

FORM NO. 17

(Rule 73 and 101).

Requisition for Records

Court of the.....at.....

V.....

Case No.

To

Dated the.....19.....

Kindly transmit to this court the record specified below, I have satisfied myself that the production of the original record is actually necessary % The record should reach this court before.....19....., the next date of the hearing.

Note - Original record should not be called at the instance of a private party, if certified copies are admissible in evidence to prove facts, for the proof of which the record is required.

Particulars of records sent for.				
of what Court	Kind of case	No. and title year.	Date of disposal	Remarks
Designation.				

% Order of the Officer by whom requisition is received :-

(b) For other files required by offices or Courts, requisition slips in the following form shall be sent.

GOVERNMENT OF RAJASTHAN
Requisition for files etc. from record room.

1. Department to which the file belongs.
2. Name of the Department demanding the file.
3. Subject of file.
4. No. of file.
5. Class of Group No.
6. Year of file
7. Purpose of file.
8. Other particulars of the file.
9. Signature of Indenting officer and date. (not below office Supdt)
10. Signature of clerk in token of having received the file and date.

Note - It is essential that the above entries should be correctly filled in without which file or file will not be issued.

2. No files papers or books are to be removed from the record room without leaving this slip in the packet or place from where they are removed.

3. On restoration of the files, papers or books to their proper packet or place, this slip will be destroyed.

(To be filled in by the record room).

11. Date of issue.
12. Serial No. of issue.
13. Signature of issuing clerk with date.
14. Signature of Supdt. with date.
15. Date of return file.
16. Reasons for non-availability of file.
17. Signature of clerk with date.
18. Returned file is not available for the reasons mentioned at S.No. 16

Signature of Officer-in-Charge

(c) No file or papers in file should be removed from the record room without leaving a requisition slip in its place.

Every application for requisitioning a record should also contain the following particulars :-

In the case of Criminal Courts :-

- (a) Name of the Court to which the record belongs.
- (b) Misband number or date of institution.
- (c) Name of the Police Station concerned.
- (d) Names of accused persons.
- (e) Law and section applicable.
- (f) Date of desposal.

in the case of Revenue Courts :-

- (a) Name of Court to which the record belongs.
- (b) Names of parties.
- (c) Mauza and parganas.
- (d) Description of suit or applications.
- (e) Suit number or date of institution.
- (f) Date of decision.

(d) On the 7th day of the first month of each quarter the record department should send a list of the file-which have not been returned and asked the Courts or officer requisitioning the files for verification regarding each file.

(e) At the time of requisitioning the file for purposes of preparing copy or copies of documents from the records the requisitioning authority should give the name of village in the basta of which the file is likely to be found. Sufficient time should always be given to the record department for complying with the requisitions and except in emergent cases immediate requisitions should be avoided.

(f) Ordinary records required by the copying department will be obtained by passing on applications to the record room. When owing to the defective information supplied by the applicant, the search for the record, has involved or is likely to involve an unreasonable amount of trouble the officer in charge of the record room may impose a search fee of annas eight and the charge on the requisition slips. The charge will be recovered while delivering the copy.

(g) A separate form should be sent for each file as these have to be placed in the basta or bundle from which each file is taken. For files required by outlaying offices Courts requisition slips will be sent in duplicate, one copy being placed in the basta or bundle from which the file is to be recovered and the other copy will be sent with the file. All such will be sent by registered post. The Reader should see that records so transmitted are securely packed and that an acknowledgment is required invariably.

34. *Register of files sent out of the record room* - The register for the issue of files shall be maintained in the following form :-

S.No.	No. of file and date of decision	Names of parries	Description of case	No. and date of requisition received
1	2	3	4	5
Name of Court to which file sent	Date fixed for hearing	Date on which the file left the record room	Name or signature or official to whom given	
6	7	8	9	
Date on which the file was returned to the record room and restored to the bundle	Name of village and No. of Basta from which file was taken out	Signature of Record-officer	Remarks	
10	11	12	13	

35. As files are occasionally placed or replaced in wrong bastas, in order to limit the area of searching for a missing file so misplaced each clerk, who placed the files in bastas, will maintain a number book in the following proforma showing the bastas actually handled on each day :-

Number book.

Register of bastas taken down for the purpose of including new or

retained files or shamilti papers

Date	Class of Basta	Name of village with hadbast No. or class of Kuliat	No. or year of basta, if any	Purpose for which taken down
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CHAPTER II.

WEEDING & DESTRUCTION OF RECORDS.

36. *Period for retention of records.* -(a) The period, for which files of criminal records are to be kept, is given in the General Rules (Criminal) 1952-Appendix 'B'

(b) The period, for which Revenue record are to be kept, is given in the list at Appendix 'B'

(c) The period for which records relating to Accounts offices rendering Accounts to Accountant General as given in Appendix XII of General Financial and Accounts Rules is given at Appendix 'F'

(d) The period for which other records are to be retained will be determined from the classification given on the files.

37. *Destruction of Records.* All records and registers which under these rules have become liable to destruction shall be destroyed as soon as the period of their retention has expired. A note of the destruction of 'A' files should be entered in the Goshwara/list. If all the papers are destroyed and in the flying index if some only are destroyed.

The note should be attested by Officer in Charge Records or the Superintendent, Records No note need be kept of the destruction of 'B' files.

(b) The Superintendent or the Official in charge of the record assisted by the clerk will immediately, after the commencement of the year, take the work of weeding in hand. He will keep strict watch over the progress of work and ensure that the weeding work does not fall in arrear.

38. (a) The weeder should take out from the racks in convenient lots the files and registers due for destruction. The weeder will carefully examine the classification or date of destruction. The Superintendent shall also glance through some of the files to satisfy himself that the files to be destroyed are no longer useful.

The responsibility of proper classification of recorded files rests with the departments or Courts concerned.

38. (b) Preservation of Records Ordinarily following classes of documents are to be preserved :-

CHAPTER III INSPECTION AND SEARCH OF RECORDS

41. *Inspection of Judicial Records* - The rules relating to the inspection of records relating to criminal cases are given in the General Rules (Criminal) 1952, Chapter 13.

(1) The records of Revenue Courts shall, subject to the following rules, be open to inspection for the first four office hours of all days on which the courts are open.

(2) If the application be granted, the application shall observe the following rules -

(a) He shall not enter the record-room but will inspect the records in the ante-room, or in some room allowed for the purpose.

(b) He shall not take pen or take ink into the room in which he is allowed to inspect them.

(3) The Collector or the Officer to whom delegates his authority, may sanction an application to inspect records or, if he considers it his duty to do so, may refuse, in which case he must record his order and the reason therefor.

(4) Any person inspecting records shall be accompanied by the recordkeeper or assistant record-keeper. The record keeper shall keep up a register of inspections in the Form given below :-

INSPECTION BOOK

Date	Name of applicant for inspection	Record-book of which inspection is sought	Time occupied, in inspection	stamp	Remarks
1	2	3	4	5	6

42. *Application for inspection.* - Application for inspection of records shall be made in Writing, and shall distinctly specify the record, inspection of which is desired.

43. *Search fee to be paid for supply of particulars* - Any person desiring to ascertain the serial No., date of the institution of any suit or other registered particulars regarding a case, for proceedings therein, shall affix eight annas court fee stamp on the application being the amount of the charge for search.

44. *Documents which may be inspected* - The following are the documents which may be inspected

(a) Records of revenue courts, or of any proceedings under the Tenancy Act, or under any Act Pursuant to which a revenue officer has jurisdiction.

- (1) Manuscripts of all printing proceedings collections.
- (2) Original of legal documents or documents of legal value.
- (3) Papers containing discussions of important principles or policies.

39. *Maintenance of statement of each weeder* - Each clerk responsible for weeding work shall maintain a statement in the following pro forma showing the number of files weeding out every day.

Date	S. No.	File No.	Subject	Date of Destruction	Signature of Supdt. or Official incharge
1	2	3	4	5	6
Signature of head office				Remarks	
7	8				

Note -

(a) Consolidated extract of files destroyed during the month should be maintained by the Superintendent.

(b) The minimum number of files to be destroyed per clerk per year has been fixed as 11 thousand. In case of files of petty cases it is possible to destroy a number far in excess of the standard. If the work of ordinary destruction is found to be well advanced there is no objection to the weeding clerk being employed temporarily on other work. In going through the bundles it is the duty of the weeding staff to see that the files are arranged in proper order, to send torn paper or broken stitching and to bring to the notice of the Superintendent all missing files.

40. *Destruction of files* - (a) All papers liable to destruction shall be torn up to pieces care being taken that all court Fee stamps are duly cancelled.

(b) Small pieces so made should be mixed up with the pieces of papers torn from the published book, reports, gazetted, etc. if possible, and the ordinary sweeping from the office room. The whole lot of the papers thus obtained will be sold as waste papers according to the order of the collector concerned.

(c) Confidential papers shall be burnt. Sale proceeds of the waste papers shall be credited to Government. As each record is weeded a note of the fact shall be made in list with which it was received in the record room.

(b) Any proceedings under the colonization of Government lands.
Note - (i) Notes prepared by clerks and notes written by the presiding officer to refresh his memory are not opened to inspection.

Note - (ii) The inspection of general files containing records of the executive proceedings including reports made by the Revenue Officers is not permitted.

45. *Inspection of records and cases pending and not pending* - (a) Inspection of records and cases that are not pending are subject to the control of the head of the office in which they are kept for custody.

Ordinarily permission of inspection should only be granted by the officer in charge of the record office.

(b) The inspection of pending cases is subject to the control of the revenue officer or court before whom they are pending, and they shall not be inspected on a day fixed for the hearing thereof, except with the special permission of that officer or court. Ordinarily they are open to the inspection of the parties only and of their pleaders or agents.

46. *Separate application for separate files* - A separate application shall be made and a separate fee paid for each file desired to be inspected unless the records are so closely connected that in the opinion of the departmental officer, they may be regarded as one in which case one application and one fee will suffice.

47. *Forms of Application* - Every application from for the inspection of records shall state :-

(i) The name and the description of applicant and his position in the case.

(ii) No, and year of the case.

(iii) Name of Court.

(iv) Title of case.

(v) Date of disposal when the case has been disposed and the date of hearing when the case is pending.

48. *Time and place of inspection of records* - (a) The inspection of record shall be made at such time, in such place, and in the presence of such officials as the head of the office, in the case of the records of decided cases, and the presiding officer in the case of records of pending cases may direct.

(b) If the record is not inspected on the date fixed for the purpose it shall be restored and a fresh application must be submitted before the record can again be taken out for inspection.

(c) When any person inspecting the record of a case desires to continue inspection of the same record on the following day, he may give notice of his intention to the official in whose presence inspection is made and in such cases no fresh application need be made in writing, provided that their inspection is continued from day to day. This will not affect the fees payable under these rules.

49. *Copying documents prohibited* - The copying in full of any document or paper of record during the inspection and the use of pen are strictly prohibited. Pencil and paper may be used for the purpose of taking notes, but no mark shall be made on any record or paper inspected. Infringement or attempted infringement of the rule shall deprive the person infringing of the right of inspection.

50. *Nothing the time in inspection* - The time at which the inspection started and that when it is completed shall be noted by the superintendent or the official in charge of records on the application of inspection.

51. *Fees* - The inspection fee shall be paid in court fee stamp at the following scale :-

(i) Ordinary	Re 1/- for the first hour or part thereof and annas 16/- per each subsequent hour or fraction thereof.
(ii) Urgent	Rs 2/- for the first hour or part thereof and annas 8/- per each subsequent hour or fraction thereof.

All fees shall be paid in advance by affixing court fee stamp on the Application when the period, for which fees have been paid, is over, additional fee shall be realised before further inspection is allowed

(a) No inspection fees will be charged for inspection of any revenue records, books or registers by Government Officers or other persons duly authorised in this behalf for Government purposes, nor will any fee be charge for the inspection of a record called for by a court, nor the inspection of a record by anyone at the request of a court.

(b) (i) Any person desiring to inspect on any other date than the date of hearing the record of a case pending in a revenue court or any connected record which has been called for by the court for perusal in connection with such pending case, while such records is in the custody of the court, shall submit an application for permission to inspect the record and shall pay fees in the same manner and on the same scale and be subject to the same restrictions as are laid down in paragraphs of this chapter.

(ii) Such application shall be submitted to the presiding officer of the

(ii) Such application shall be submitted to the presiding officer of the court in whose custody the records are, the court shall deal with the application in the manner laid down above.

(iii) Such records shall be inspected in the court-room in the presence of either the presiding officer or such officer of the court as the court may direct.

CHAPTER IV SUPPLY OF COPIES OF RECORDS

52. *Rules for criminal cases* - (1) These rules shall come into force from the date of their publication in the Rajasthan Gazette.

(2) Rules relating to the grant of copies in criminal cases have already been published in the General Rules (Criminal) 1952.

Definitions- 53. (i) In these rules "Records" includes any portion of a record and any documents map, plan, or other papers attached to, of forming part of the record of any suit or appeal, enquiries or trials, or other proceedings, in any Criminal, or Revenue Courts, or offices

(ii) The term copying agent includes the sender copying agents and the persons selected in the manner hereinafter prescribed to revise and attest copies at headquarters and at outlying Courts and offices, at tehsils the judicial clerks or office Kanungo, if permitted to examine copies, shall be "Copying Agents" for the purpose of these rules.

(iii) The copying establishment shall be under a head copyist subject to the general control of the officer incharge Records, under the office superintendent.

(iv) If the record or other paper, of which copy is applied for, is not in the record-room but has been transmitted to other court, the officer in charge of the copying department shall inform the applicant and if he so desires, return the application with an endoresment to that effect directing him to present it to the court in whose custody the record or paper is.

(v) The officer incharge shall sanction the application, or should the application be one which he is not legally bound to sanction, may refuse it, recording his reasons on the application, which shall then be filed the applicant, if not present, being informed by post, service unpaid.

(vi) The copy shall not be issued to any person until it has been examined, certified, stamped and paged; and a copy shall not be delivered to an applicant until the requirement of paragraphs below have been complied with.

(vii) When a copy, made under an order upon an application, is ready for delivery, notice thereof in the prescribed form shall forthwith be place on the notice board of the copying department. The head copist shall endorse upon the last sheet of the copy the date of the application, the date of pasting the notice on the notice board, and the date of delivery

of the copy to the applicant, such dates shall be written in words as well in figures. If delivery of the copy is not taken within fifteen days of the notice being pasted on the notice being pasted on the notice board, the orders of the officer in charge shall be taken as to be sent destruction or other disposal of the copy provided that when a copy is to be sent by post, it shall be despatched, service unpaid, as soon as the notice is placed on the notice board.

NOTICE TO APPLICANT THAT COPY IS READY FOR DELIVERY.

Date of Notice.	Name of applicant	Particulars of copy prepared	Signature of head copyist
1	2	3	4

(viii) If an application for copy is rejected, or if, for any reason, a copy cannot be granted, or if the application is withdrawn before the work of copying has been put in hand, any stamp paper filed by the applicant shall be returned to him, and if the copying fees have been paid in adhesive court fee stamps he shall be entitled to a refund of the amount less a deduction made by a certificate payable at a rupee. The refund shall be made by a certificate payable at the District Treasury at any time within three months of the date on which it was given. Application for refund under this rule must be made within three months from the date of the application for a copy.

Stamps on which a refund is granted should be destroyed by the officer in charge of the copying department personally, and a certificate to the effect that has been done should be added.

54. *Persons entitled to obtain copy* - (i) A copy of record shall be granted in the manner prescribed by the rules to any person who under the law for the time being in force, or under these rules or under the General Rules (Criminal) 1952, is entitled to receive it, and copy may be so granted to any person permitted by these rules or otherwise, to obtain one.

(ii) A plaintiff or defendant, who has appeared in the suit as a party to a criminal complaint, is entitled at any stage of the suit or complaint to obtain copy of the record of a part of suit including exhibits, which have been put in and finally accepted by the court as evidence.

NOTE- A party, who has been ordered to file a written statement, is not entitled to a copy of written statement, filed by another party until

he has first filed his own.

(iii) A stranger to the suit may obtain a copy of the judgment in a criminal or Revenue case and of final orders in other cases for purpose of reference or quoting as precedence with the approval of the presiding officer of the administrative department.

(iv) Any person may obtain a copy of a record of rights, annual record, Khasras Girdhawari, or of the record of distribution of an assessment over the holdings of an estate or of an entry in a register of mutation.

(v) Copies of final orders passed in Muafis sanctioned by competent authority may be granted by the Collector. But copies of recommendations submitted for sanction should not be given unless they have been approved and are necessary for understanding of the sanction.

(vi) Copies of orders passed by competent authority or proceeding under the land Revenue and Tenancy Acts shall be granted.

(vii) In cases of enquiry against an Officer, copies of the following documents may be supplied to an accused officer on payment of prescribed copying fees to enable him to exercise his right of appeal.

- (a) Charges.
- (b) Defence recorded.
- (c) Statement of witnesses in the courts on enquiry, and
- (d) Order of the officer holding an enquiry containing his findings

NOTE- Copies of officers, reports, correspondence relating to enquiries should not ordinarily be supplied.

(viii) In cases concerning Government servants accused of criminal offences, copies of judgments of acquittal and of orders of discharge shall be supplied free of cost, on the application of the head of the department in which such servant is employed.

55. Documents of which copy cannot ordinarily be given- Ordinarily no copy shall be given of:-

- (a) Interim proposal or recommendations of officers or preamble.
- (b) Office notes unless they are in the form of final orders.
- (c) Official letters not covering final orders.
- (d) Correspondence of secret nature or those the release of which is likely to embarrass the Government.

(e) Except for special reasons to be noted in the made upon the application, a copy shall not be granted of a document which is itself a copy.

A copy of a copy may only be granted, if the original document is not traceable or is not traceable to the applicant for the purpose of obtaining

a copy. Each page of such copy shall bear in red ink the remark that it is a copy of a copy.

56. *how to apply for a copy*- An application for a copy of a record may be made in person or through authorised agent or by post.

The full name, parentage, and address of the applicant should be given and it should be stated for what purpose it is to be desired. The application shall be made in the prescribed form, (form attached with the General Rules (Criminal) 1952), in the case of Criminal cases and as per proforma given below in revenue and other cases.

Application for grant of copy

Court fee stamp ... Worth Re -/1/-
The applicant requests that copies detailed in statement may be granted.

STATEMENT NO. L.

Class of suit whether : (i) Criminal, Revenue, or miscellaneous. (ii) Original or appeal	Plaintiff or complainant Defendent or accused	Names of parties
1	2	
Nature of suit or of offence, valuation of suit or description of offence	Name of the village or place where the proper ty in dispute is situated or where dispute arose, or offence was committed with the hadbast number	Name of the presiding officer of the subordinate appellate courts
3	4	5
Dates of decision first and of appellate courts	Purpose for which copy is required	Detail of copies required
6	7	8

Whether urgent or ordinary	Seal or signature
9	10

57. *Application for copy*- Every application for grant of copy shall bear a court fee stamp of one anna unless he is exempted from it under any rules or law. In case an application is sent by post, postage stamp sufficient to cover the postal charges for sending the copies under registered of an addressed envelope cover should be sent with the application in addition to the prescribed copying fee.

A separate application shall be made in respect of each record from which copy or copies is or are received, but only one application need be made for copies of papers from the same file of record i.e. if copies are required of four separate papers in one record, only one application is necessary

58. *Details to be given in application*- Every application should set forth :-

- Name and his full address.
- Purpose for which the copy is desired.
- The paper or document of which the copy is applied for.
- File No. And date of the disposal of the case and the number and date of the order of which copy is desired.
- Whether the application is urgent or ordinary.

59. The officer receiving such application shall :-

- Put his initial on it with date of its receipt.
- Get it entered in the register maintained for the purpose in the form as appendix 'I'
- Cancel the court fee stamp according to law.

60. *Copy to be given on payment*- Copy shall be supplied on payment of the prescribed fees unless they are required to be supplied free by any law or order of the competent authority.

61. *Affixing court fee stamp with application* - (a) Every application for a copy of a record shall be accompanied by court fee stamp equivalent to the fees prescribed in rule 62 for preparing and certifying such copies along with the papers sufficient for making copy or copies.

(b) If the application is received by post and the court fee stamp or stamps attached is or are found insufficient, the applicant shall be asked to make up the deficiency within a month and no action shall be taken until the deficiency is made up. If no reply is received within the stipulated period the application for copy shall be filed and the court fee stamp cancelled.

62. *Fees*- Fees shall be charged for copies according to the following scale

(i) For foolscap sheet in double spare or any portion thereof - 10/- per sheet.

(ii) For urgent copies double fee shall be charged.

(iii) In the case of book, register map or plan or an extract thereof or any other document the preparation of which requires any special apparatus of skill, the charge shall be fixed in each case by the presiding officer with reference to the difficulty or intricacy of the work to be done.

(iv) In case in which an applicant desires to take more than one copy of a document and typed copies are given each copy after the first shall be supplied at half the rate prescribed above.

(v) In case the applicant is unable to give exact particulars of the file and the same is to be traced additional charges of annas eight shall be made.

Note-In case applicant has been asked to make up the deficiency of court fee stamps, the postal charge incurred in addressing the communication shall be realised at the time of delivery of copy in case it not already been finished with the application.

63. *Period for grant of copies ordinary or urgent* - If a copy is ordered to be prepared, the officer in charge shall, in the case of personal, applications tell the applicant when copy is likely to be ready, this shall ordinarily be not later than 10th working day, but any applicant for an urgent copy, shall be entitled to have his furnished to him within twenty four hours if the records become available.

64. *Maintenance of register for applications*- A register for applications for copies shall be maintained in the form given at appendix 'I' In this register for copy of a record, including jail requisitions shall, whether sanctioned or not, be forthwith entered under orders of the officer dealing with the same.

65. *Procedure to be followed if copy is refused*- If an application is refused or if for any reason it is impossible to prepare the copy ordered to be made, the fact should be noted in the column of remarks in the register, and appropriate reply should be sent to the applicant on a postcard. The unused court fee stamps will be returned to the applicant and in case the application is received by post the applicant will be asked to send postage stamps sufficient to cover the postal charges, for the return of the unused fee stamps, if he has not sent postage stamps already with the application.

66. *Manner of making copies*- Every copy made under these rules shall-

(a) Be in a good legible hand of type.

(b) Marginal references shall be made on the copy to the paging of

the original.

(c) If more than one copy of the same record is ordered to be prepared at the same time as much use as possible should be made of duplicating processes.

(d) Copy or copies of Urdu documents will be prepared.

67. *Prefixing heading*- A heading containing a short description of a record, the name and hadbast number of these state and the name and hadbast number of these state and the name of the tehsil and district to which such record related shall be given on every copy. In the case of a copy of a judgement of order such headings shall also contain the following particulars :-

(a) The court of office by which the case was decided, and in appellate case, the name and the official designation of the officer whose order was appealed against and the date of that order ;

(b) the date of institution of the suit, proceeding of appeal, as the case may be.

(c) the name and description of the parties and

(d) The subject matter of the suit or proceedings, and the estate tehsil and district in which situated.

68. *Copyist not to have access to Record Room*- Copyist shall in no circumstances be allowed access to the record room. Files should be given by the record room staff and no files or parts are to be removed from the office room where copying work is done.

69. If copies are required of documents in the custody of the Sadar Kanungo, the copyist shall go in Sadar Kanungo office and the examiner shall also go to attest the copy. Such documents must not be removed from the custody of Sadar Kanungo or his assistant.

70. *Copies of record in tabular form*- copies of revenue records and other records which are kept in tabular form shall be supplied on the form used in Government office. Such forms shall be supplied free by the Collector out of his stock. Each Collector should increase his indent in order to provide for need copying agency.

71. The following are among documents of which copies should be given on such forms :-

Decrees

Notice of ejectment

Criminal charge

Headings of opening sheets in judicial records

Extracts from jamabandies, mutation registers, Khasra, girdawaries, settlements records and others at the discretion of the Collector.

72. A copy of copy ought never to be granted unless expressly asked for as such as for instance in order to call in questions the correct-

ness of the copy granted. The fact that it is so required should be entered in heading.

73 After the copy has been made, and before it has been revised and attested, the following particulars shall be endorsed thereon in the case of copies made in the English language in English, and in the case of copies made in Hindi in that language :

(a) Number of the application in Register.

(b) Name of the applicant.

(c) Date of presentation of application

(d) Number of sheets used.

(e) Amount of copying fee charged

(f) Date of notice declaring when copies are ready.

(g) Date of delivery.

(h) Name of the copyist.

74. *Attestation of copy before issue*- (a) A copy shall not be delivered to any person until it has been examined, certified and paged. The attesting officer is responsible that the provisions of the law and of these rules and orders have been in all respects, complied with.

(b) Every attesting officer shall, before he attests a copy in the manner prescribed by these rules :

(i) Personally compare such copy with the original record from which it has been made. For the purposes of facilitating the comparison of any copy, the copyist, who made it, may be called upon to assist by reading out the original ;

(ii) attest every alteration made in such copy by initialling the same ;

(iii) examine and initial the endorsements made

(iv) examine the headings and form of the copy, and see that they are in accordance with the law rules and directions applying such copy ;

(v) See that the fees have been properly calculated and entered in the registers.

(e) When any copy is found to be in all respects correct for delivery to the applicant the attesting officer shall endorse thereon the following words :

Certified to be a true copy.

and shall sign and date the endorsement, and subscribe his official designation.

(d) He shall then cause the proper seal to be affixed to the copy. If the copy covers more than one sheet of paper, the attesting officer shall endorse the word attested on every such sheet, and shall enter his initials and the date thereunder.

(e) In the event of any copy being found to be unfit for issue by reason that it :-

- (i) has not been clearly, legibly and neatly written ;
- (ii) is not in the prescribed form or on a paper of the prescribed quality.
- (iii) is so incorrect that revision has rendered it unfit for issue ;
- (iv) does not conform to these rules and order or
- (v) is otherwise open to objection, the officer shall forthwith write the word cancelled across the copy and a fresh copy shall be made without further charge.

(f) The affixing by an attesting officer of signature to a copy in a certificate that the official in question has personally satisfied himself of its accuracy after a personal comparison of the copy with the original.

75. *Delivery of copy-* (a) When a copy is ready for delivery and the applicant or his agent is present, the copy shall be given to them, after recovering balance of copying charges search fee, if any due. Any surplus pie papers shall be returned. If the applicant or his agent is not present a notice over the signature of the officer superintendent or head clerk shall be affixed to the notice board, notifying that the copy is ready for delivery. If from the date of the fixing of the notice the applicant or his agent appears within one month the copy shall be delivered to him.

(b) If the copy is to be delivered by post and sufficient postage stamp to cover the postal charges have been furnished, the copy or copies shall be sent by post registered A.D.

(c) If the applicant or his agent does not appear within the stipulated period the application shall be filed and the copy shall be cancelled under order of the officer competent to order the grant of copy and entry will be made in the register of application.

76. *Employment of copyists-* (a) For the preparation of copy at headquarters and the district the Collector shall engage qualified copyist. The number of person to be engaged in each district will be fixed by the collector of the District. The number should be fixed with due regard to actual requirements for the work of copying records. But no copyist, while entertained of copying work may under any pretext whatever, be employed on work other than copying or assisting in the attestation of copies made by him self

(b) Persons engaged as copyist shall be

(i) of assured good character and

(ii) competent to write (or type) fast and well

(c) The Collector shall allot copyist to different offices or courts out of the strength fixed for the district in consideration of copying work in each place. The number assigned to the various courts, and offices can vary according to the increase or decrease of work.

77. *Remuneration to be paid-* (a) The copyist approved for copying work by the collector shall receive no fixed salary but will be paid on

remuneration basis at the following scale :-

(1) For copying one sheet in double space or any portion thereof.	Ordinary copy. 5 anna per sheet
(2) For duplicate typed copy	Urgent copy. 10 annas per sheet Half the above rate
(3) For book, register, map or plan etc. vide para 62/C	One half of the amount charged as copying fee.

Note - Search fee if charged shall be credited to Government. No remuneration is to be paid on it.

(b) A register of work done by each copyist will be maintained in Form III at appendix (I) Regular entries in this register shall be made. A bill for payment of remuneration to each copyist shall be prepared monthly on the basis of entries in register maintained in Form No. III. the officer in charge of the office where the copyist may be working will attest the bill after satisfying himself about the correctness of the entry the payment orders shall be made by the collector out of the fund which will be allotted at this disposal for this work..

78. *Provision for payment of remuneration* (a) A lump sum provision will be made in the budget of the G.A.D. for payment of remuneration to copyist. Out of this fund necessary amounts shall be allotted to each collectorate according to volume of work.

(b) In each collectorate proper account shall be maintained for this in the following forms :-

S. No.	Name of copyist	Date	Bill No.	Name of office/court sending the bill
1	2	3	4	5
Amount passed for payment		Progressive total of the amount paid		Remarks
6		7		8

APPENDICES

10. (a) Are files required by courts at headquarters issued to them on receipt of separate requisition for each in the form prescribed for the purpose.

(b) Are the requisition slips placed in the bundles in place of the files issued from the record room

11. Does the record department sent lists to all the courts or offices of files which have not been returned, and ask them for verification regarding each file.

12. Is the register of record room, maintained by the Superintendent or official incharge of the record, work regularly.

13. Are the similar instructions for the preservation and destruction of revenue files and registers carefully complied with by the record department

14. Is a note made of the destruction of 'A' files in the 'goshwara' or list or register as the case may be and written in the fly index, if only some are destroyed Is the note attested by the Supdt. or official incharge of the records.

15. Is the destruction of records carried out in accordance with the procedure laid down in this behalf.

(b) What is the average number of files destroyed and arranged by each destruction clerk The average is 11,000 files per destruction clerk per annum. If this standard is not attained the clerk at fault should be suitably dealt with.

(c) Is the time spent on the inspection of a record noted in the register maintained by the inspection clerk

16. Are the members of the record staff (excluding the Supdt. records and his Deputy) transferred too frequently. If so the Collector should issue suitable orders to prevent this.

APPENDIX B

List of Common Errors

<i>S. No.</i>	<i>Detail of mistakes</i>	<i>Reference to paper on file</i>	<i>Note regarding correction made</i>
1	2	3	4
1	Name and number of village or name of Tehil or Thana not Recorded.		
2	Abstract of final order not properly given.		
3	Serial No. on the opening sheet not correct.		
4	No. and class of case either not right or not given		
5	No. of certificate on the index.		
6	Serial No. not given on the papers, or index mutilated		
7	Name and power not given on the heading of the depositions.		
8	Seal not affixed and power not state under the signature of the officer.		
9	'A' and 'B' papers are not separated		
10	This paper should go to 'A' file or 'B' file		
11	This paper is not recorded.		
12	Paper is mutilated. Should bear signatures.		
13	The order is not signed by the officer.		
14	Abstract of order is incomplete.		
15	Date of decision of case, name of village, place of occurrence should be given on paper intended to be placed on the file.		
16	Papers not entered in the index chronologically but placed on the file consecutively.		

1	2	3	4
17	The list of connected files not correctly filed.		
18	Exhibits are not in the pocket		
19	The English Chitha is not in the pocket		
20	The index should be closed at the end, and clerk should sign.		
21	The file is bulky, should be placed in two file boards.		
22	The result of final order not given on the index		
23	Stamp not punched.		
24	Paper attached is upside down.		
25	The objection file should be attached to the original file of execution of decree and then filed.		
26	Police diaries or first report wrongly placed on file. Should be returned to the Police.		

APPENDIX C

List of papers which need not be consigned into Records, but may be weeded out and destroyed after the period prescribed for their retention in the second column of the list. The destruction shall be carried out by the clerk in the presence of the Supdt. Records, and shall be effected by tearing up the papers into pieces. In the case of continued correspondence the file shall not be set aside for destruction until the correspondence is complete.

S.No.	Nature of the case	Period for which it is to be retained
1.	Crop forecasts	1 Year
2	Application for grant of copies of papers	1 Year
3.	Petitions of petty nature	1 Year
4.	Statements and returns of temporary interest which are for information	1 Year
5.	Ordinary accounts reports	1 Year
6.	Death reports	1 Year
7.	Report regarding outbreak of epidemic etc.	1 Year
8.	Casual leave accounts	1 Year
9.	Grant of powers to officers	1 Year
10.	Cases under the Arms Act	1 Year
11.	Papers regarding the encamping-grounds and supplies and carriages for troops	6 months
12.	Papers relating to minor process of dues including warrants of attachment or arrest for recovery of land revenue, excise revenue, income-tax ect. when the demand is paid before execution of warrants	6 months
13.	Applications for license to fish	3 months
14.	Applications for leases and license of all sorts when not granted	3 months
15.	Rejected applications for 'taccavi' less than Rs. 1000	3 months
16.	Reports regarding transfer of treasury between tehsildars and Naib-tehsildars	3 months
17.	Applications for stamp vendors licenses	3 months

The following files shall be destroyed in according with directions noted against each :-

S.No.	Nature of the case	Period
18.	Reports of record-keepers regarding non- receipt of files from courts, and slips sent by courts explaining cause of delay in submission of files or nature of errors	When the orders passed have been carried out
19.	Applications of Sadr wasil baki navis for issue of orders to tehsil wasil baki nawis.	Ditto
20.	Application for refund of spoiled stamps when has been sanctioned	When the receipt for the money paid has been received
21.	Notice recieved from the district about fairs, auction of liquor or other contracts	After the date of fairs or auction has passed
22.	Misc. applications in Court of wards cases	
23.	Papers regarding despatch of treasure between sadr and tehsil guards etc.	
24.	Vernacular papers regarding mistakes in 'Siahas' recieved from tehsils.	At the end of the year to which the paper relate.
25.	Stamp penalty statement received by Collectors from courts.	
26.	Quarterly returns of receipts and sales of stamp submitted by stamp vendors.	
27.	Application relating to powers of attorney, not forming part of judicial records.	
28.	Papers relating to the preliminary en- quiries made through the tehsildars as to the legal title of the heirs of deceased soldiers in regard to their family pen- sions.	3 years from the date of each disposal of each case.
29.	Applications for relief from the india and Burma Military and Marine Relief fund and connected enquiry papers	
30.	Files relating to motor tax and drivers licenses.	Three years final orders
31.	District Land Revenue Administration Reports	For the period of Settle- ment.
32.	District Colony Reports	Fifteen years.
33.	Misc. papers such as charge reports of teh- sildars, and naib-tehsildars, pay of Chauki- dars; reports of sheriffs, treasurers etc; filed in the Eng. office.	15 Years

APPENDIX D

*Statement showing the period for which Revenue
Registers, Books and Files shall be preserved.*

I Destruction of Registers

(i) The following revenue registers and books shall be preserved in perpetuity, except as provided in the note to (1) below :-

1. *Registers and books to be kept permanently-* All Printed ver-
nacular books, pamphlets and manuals furinshed by Government, manu-
script circular orders and rules of practice.

Note :- One copy of obsolate and superseded books pamphlets and
manuals to be kept and the rest to be destroyed. These papers
will be divided between the district record room and Land Record
office according to subjects.

2. Statement showing original and subseqent modifications of local
Sub-divisions and maps of such changes.

3. Register of Nazul property.

4. Register of Government property for which Pattas are issued.

5. Register of pensions.

(a) in account of resumed assignment of land revenue.

(b) Charitable

(c) Superannuation and compassionate.

6. Register of land acquired for public purposes

7. Record keeper's register of all kinds of cases dicided and sent to
the commissiner's record room.

8. Register for Revenue Court cases.

9. Register of cases relating to new grants of revenue assign-
ments, resumption or lapses of the same and mutaion of names in re-
spect of assignments for Collector's office-

10. Registers for cases relating to sale, lease or grant of waste lands
for the collector's office.

II Correspondence Diaries.

(ii) The lollowing should be kept for 20 years.

1. *Registers to be kept for 20 years-* Register of appeals in Rev-
enue judicial cases.

2. Registers of appeals in Revenue Executive cases.

3. Register of Miscellaneous Appeals, Petitions and Reference

4. Register of rejected and returned Appeals.
5. Register of objections in cases of execution of decrees.
6. Register of appeals from decrees.

(iii) The following registers shall be preserved for 12 years and shall then be destroyed :-

1. *Registers to be kept for 12 years*- Register of miscellaneous applications relating to revenue courts.
2. Vend registers of licensed stamp Vendors.
3. Register of temporary alienations of land in execution of decrees.
4. Register of Miscellaneous appeal for orders.

(iv) The following Registers shall be preserved until the Govt. sanctions a new settlement and shall then be destroyed :-

1. *Registers to be kept until Settlement* - Jamabandi of estates under direct management.
2. Register of transfer of shares to solvent co-sharers.
3. Registers of farmed estates.
4. Registers of protective pattas or of certificate of exemption for a term of years from irrigated assessments.
5. Fluctuating assessment statements.
6. Registers of files prepared in the beginning of a settlement to determine in which villages remeasurement or revision of remeasurements should be effected.
7. Register of cases relating to assessment of the land revenue other than assessments of resumed assignments.

(v) The following registers shall be preserve for a period of six years and shall then be destroyed :-

1. *Register to be kept for 6 years* - Registers of execution of decrees in Revenus court cases.
2. Register of applications for 'Taccavi'.
3. Register of applications under the land Alienation Act.

III Destruction of Files

2. *Destruction of file B*- File B shall be destroyed 12 months after the date on which the final order of the original authority in cases in which there has been no appeal or of the final appellate authority in cases in which there have been one or more appeals, has been passed.

3. *Destruction of file A*- File A shall be destroyed after the lapse of the period specified in the list following :-

4. The following files shall be preserved in perpetuity :-

1. Cases of grants of waste lands in which a proprietary title is conferred including files of colony grants of arable lands and house sites.

2. Cases decided during settlement relating to the title of Malikana.

3. Lambardari, Patelai, Cases relating to appointment or dismissal of a headman where an heir does not succeed ; and cases of reduction in the number of villages headmen where an heir does not succeed ; and cases of reduction in the number of village headmen. Undisputed lambardari cases should be destroyed 3 years after date of final order.

4. The index and instrument of partition, which schedule and copy of tracing of Shajra on partition files in which partition has been effected.

5. Files about division of existing and formation of new villages.

6. Files of investigation into and resumption of revenue assignments. On revision of settlement the files previous to the expired settlement should be destroyed.

7. Files of redemption of land revenue.

8. Files of acquisition of land for public purposes where permanently taken up.

9. Investigations concerning the title to nazul property and proceedings relating to waqf property being placed under the management of the Collector or the Head or Trustees of an Institution or of a Committee.

10. Cases regarding the formation of an estate out of waste land.

11. Files relating to villages cases.

12. Proceedings for the adjustment of rents expressed in terms of the land revenue.

13. Proceedings relating to the remission and suspension of rent.

14. Applications for the ejectment of a tenant against whom a decree for an arrear or rent in respect of his tenancy has been passed and remain unsatisfied.

15. Applications for the ejectment of a tenant against whom a notice has not been instituted, a suit to contest his liability to be ejected but has claimed compensation.

16. Applications for the fixing of the value of a right of occupancy.

17. Applications by landholders for possession of land the right of occupancy of which has become extinct.

18. Proceedings with respect to the award of compensation for improvement or disturbance.

19. Suits between land holder and tenant for enhancement or reduction of rent.

20. Suits between landholder and tenant for addition to or abatement of rent.

21. Suits for the determination of rent or other sum on the expiration of the term of an assessment of land revenue.

22. Suits by a tenant to establish a claim to a right of occupancy.

23. Suits by a landholder to eject a tenant.

24. Suits by a tenant for recovery of possession.

25. Suits by a tenant to contest liability to ejectment.

26. Suits by a landholder to set aside a transfer made of a right of occupancy.

27. Any other suit between landholder and tenant arising out of the lease or conditions on which a tenancy is held.

28. Suits for sums payable on account of village cesses or village expenses.

29. Khatauni of grant of colony squares.

30. Proceedings regarding distribution of assessment at settlement.

31. Arrangements for land or hill torrent irrigation of permanent nature.

32. Files of mutation appeals.

5. *Files to be kept for 35 years* - Following files and register will be preserved for 35 complete years :-

1. Acquittance Rolls and registers relating to pensionable as well as non-pensionable establishment.

2. Cases of appointments, dismissals and complaints against Government servants which have resulted in a departmental enquiry into an officer's conduct or the passing of a censure.

3. (a) Character Rolls should be kept until the death of the official concerned and then destroyed. (b) Service books should be destroyed five years after death or retirement, whichever is earlier.

6. *Files to be kept for 12 years* - The following files shall be preserved for 12 years and shall then be destroyed :-

Serial No.	Nature of Case	Time when period begins to run.
1.	Rectification of boundaries of holding by consent.	From Date of final order
2.	Ward's estated-Proceedings in which the estate was declared subject to the Court of Wards ; inventories of property ; annual accounts ; appointment and removal of managers or guardians.	From date when control of Court of Wards was withdrawn.
3.	Assessment of ground rent	From date of repartition

1	2	3
4.	Partition files in which partition has been effected with the exception of the papers included in para 5.	From date of final order

7. *Files to be kept for 6 years* - The following files shall be preserved for six years and shall then be destroyed :-

S. No.	Nature of case	Time when period begins to run.
1.	Revenue Court cases namely	
	(i) Suits by a co-sharer in an estate or holding for a share of the profit thereof or for a settlement of accounts.	From date of final order.
	(ii) Suits for the recovery of over payments of rent or land revenue or of any other demand or which a suit lies in a Revenue court.	From date of final order of rent or land revenue or of any other demand or which a suit lies in a Revenue court.
	(iii) Suits by a land holder for arrears of rent or the money equivalent of rent, or for sums recoverable as rent.	From date of final order
	(iv) Suits by a landholder to recover moneys claimed as due for the enjoyment of right in or over land or in water including rights of irrigation, right of pasturage and forest rights.	From date of final order
2.	Cases under land Alienation Act	Ditto
3.	Recovery of arrears by attachment or annulment of assessment	From date of removal of attachment or sequestration
4.	Recovery of arrears by transfer of holdings	From the date when the land is restored or the transfer become absolute.
5.	Recovery of arrears by sale of estate or of right and interests in land or houses other than that on which the arrear accrued.	From date when the sale becomes absolute.
6.	Applications with respect to the division or appraisement of produce.	From date of final order

S. No.	Name of case	Time when period begins to run
7.	Applications for the ejectment of a tenant on Whom a notice of ejectment has been served and who has not instituted a suit to contest his liability to be ejected has not claimed compensation.	From the date of final order.
8.	Applications for the determination	-Ditto-
	(i) Of the rent payable for land occupied by crops uncut or ungathered at the time of an order being made for the ejectment of a tenant, or	-Ditto-
	(ii) Of the value of such crops or of the sum payable to the tenant for labour and capital expended by him in preparing land for sowing.	-Ditto-

8. Files to be kept for 3 years- The following revenue files shall be preserved for three years and shall then be destroyed :-

S. No.	Name of case	Time when period begins to run
1.	Suspensions or remissions of land revenue	From date of remission or recovery of balance
2.	Recovery of cost of erection or repair or survey marks	From date of final order
3.	Application for partition when no partition has been made.	-Ditto-
4.	Claims for division or appraisal of produce	-Ditto-
5.	Applications by tenants to deposit rent	-Ditto-
6.	Applications for service of notice of relinquishment	-Ditto-
7.	Applications for service of notice of ejectment	-Ditto-
8.	Applications for service of notice of intended transfer or of intended foreclosure of other enforcement of lien.	-Ditto-
9.	Refused applications for (i) exchange of square and (ii) alteration of roads in in record room colonies.	From date of receipt in record room

S. No.	Nature of case	Time when period begins to run.
10.	Cases regarding grant or trees from Government reserves ; sale of trees and grass from Government land; permission to cut trees from <i>dakhil bachh land</i> .	From date of receipt in record room
11.	Cases relating to the fulfilment of colony conditions	From the date of the order of grant of proprietary rights
12.	Cases relating to unclaimed movable property and confiscation thereof	From the date of the final order.
13.	Cases relating to the erection of culverts and the recovery of culvert demands.	-Ditto-
14.	Applications regarding excess collections and their refund.	From date of receipt in record room.
15.	Securities of farmers	From termination of leases or recovery of balances when due
16.	Lambardari, Patelai cases except those included in para 5 (3)	From date of final order
17.	Mauafi or Jagir cases not included under para 5	-Ditto-
18.	Acquisition of land for public purposes of a temporary character.	When land is restored.
19.	Cases relating to the Chaukidari tax or appointment, dismissal of Chaukidars etc.	From the date of final order
20.	Treasury cases in which Vernacular proceedings have been recorded.	From the death of pensioners in the case of proceedings relating to grant to life pensions.
21.	Cases of application by jagirdars for collection of revenue assignment through Tehsil, when granted.	From date of order granting.
22.	Cases of leave and complaints against Government servants except those which have resulted in a departmental enquiry into an officer's conduct and then passing of censure.	From date of final order.
23.	Confiscation and auction of produce of confiscated squares in colonies	From the date of final orders.

S. No.	Nature of case	Time when period begins to run
24.	Distress and sale of movable property and crops.	From date of final orders.
25.	Waste land grants where proprietary title is not conferred.	From expiration of lease.
26.	Cases of unlawful cultivation of Government land	From the date of final orders
27.	Suits by and against Government.	From recovery and remission of any sum found due to Government or from the date of final order of the court.
28.	Revenue proceedings in execution of decrees of Civil or Criminal Courts for attachment, sale or delivery of land	From the date when order is set aside or becomes absolute.

9. *Files to be kept for one year*- The following revenue files shall be preserved for one year and shall then be destroyed :-

S. No.	Nature of case	Time when period begins to run
1.	Cases re: indication of boundaries	From final order.
2.	Cases relating to payment of service pensions	From payment of balance
3.	Papers relating to Government dues in pauper suits	From payment of balance
4.	Cases relating to spoiled stamps, and supply of stamp register	From the date of receipt in record room
5.	Refused applications for- (1) making up a deficiency in grant ; (2) grant of extra land (3) grant of extra land for house sites in colonies; (4) Conversion of agricultural land into abadi.	From date of receipt in record room.
6.	Pay of chainmen or flag holders and recovery of cost	From the date of final orders.
7.	Punishment for destruction, injury or removal of survey marks.	-Ditto-

S. No.	Nature of case	Time when period begins to run
8.	Reports regarding fires in forests.	From the date of final orders.
9.	Rejected applications including appeals regarding distribution of assessment at settlement.	-Ditto-
10.	Repairs and construction of public offices.	From the date of final adjustment of expenditure.
11.	Cases under the stamp laws-Revenue proceedings only	From the date of final order or of recovery of any sum found due to Government
12.	<i>Nazul, Waqf</i> and patta cases.	From the date of order.
13.	Cases relating to collection of taccavi	From the date of remission or collection of balance.
14.	Cases relating to contingent expenditure except vouchers and payment orders.	From the date of adjustment.
15.	All rejected taccavi applications, and all taccavi files after full satisfaction.	From the date of last orders.
16.	Records of cases under Acts such as Vehicles, Cattle, Trespass, Forest, etc.	From the date of orders.

10. *Files to be kept for indefinite period*- The following revenue files shall be preserved for the period specified against them and shall then be destroyed.

S.No.	Nature of case	Period.
1.	Appeals and applications for revision of orders in cases not coming under previous heads.	Teh same period as that prescribed for the original case.
2.	Rent-roll of fixed land revenue.	Until sanction of new settlement.
3.	Annual business returns.	Until submission of revenue report.
4.	Papers regarding additions to, and reductions from the rent roll.	Until sanction of new settlement.
5.	Attestation of security of Government servants.	Until the security is returned.
6.	Files of protective pattas or certificates of exemption for a term of years from irrigated	Until sanction of the new settlement following the

S. No.	Nature of case	Period
	rates of assessments; also files of reduction of assessment in consequence of loss of means of irrigation.	expiry of term of exemption or until a register is prepared incorporating the orders, whichever period is shorter.

11. Before destroying file of any proceeding care must be taken to separate and remove from the file all documents belonging to 'private' persons or to Government as a party to the proceeding, which have not been superseded by the decree or impounded in the case in which they are produced.

12. (i) When, under the above rules, the papers contained in any file are destroyed a note to the effect shall be made against the entry of the case in the Goshwara.

(ii) Notes made under the above instructions shall be attested by Superintendent or the official in-charge records.

(iii) No note need be made of the destruction of B files. such destruction will be presumed to have been effected in accordance with the rule.

13. The work of destruction shall be carried out under the direct supervision of the Superintendent or the official in-charge record and shall be effected by tearing up the papers to be destroyed.

14. The following register shall be preserved for the period noted against each from the date of the last entry and shall then be destroyed.

S. No.	Nature of case	Period
1.	Siahanavis's cash book	6yrs.
2.	Khatuni malguzari dakhila bhai arzirsals	3yrs.
3.	Taccavi kist-bandi	3yrs.
4.	Treasurer's cash book	3yrs.
5.	Tehsil stamps store register	3yrs.
6.	Treasurer's counterpart of double-lock stamp store register	3yrs.
7.	Tahvil stamp store register	3yrs.
8.	Register of payment of stamp duties and penalties on account of insufficiently stamped documents	3yrs.
9.	Register of misals taken from the record room for reference	3yrs.
10.	Asamiwar statements of land under direct management	3yrs.

S. No.	Nature of case	Period
11.	Canal Khataunis and files connected with the collections of occupier's owners rates	6yrs.
12.	Copying agents registers	3yrs.
13.	Register of files issued	3yrs.
14.	Register showing dates fixed for hearing appeals (Judicials and executive)	3yrs.
15.	Register of files, parawanas, rubkars, files etc. despatched	3yrs.
16.	Register of application for copies	3yrs.
17.	Tehsil list of balances	3yrs.
18.	Statements of local rates and other casses	3yrs.
19.	Return of loans granted to agriculturists	3yrs.
20.	Vernacular statement of lienations of state lands	3yrs.
21.	List of revenue buidings	3yrs.
22.	Budget estimates under revenue heads of a/c	3yrs.
23.	Statements showing the share of land revenue to which the irrigation department is entitled to take credit in its accounts	3yrs.
24.	Khataunis of taccavi advances	3yrs.
25.	Register of demand and collections of fluctuating and miscellaneous land revenue	3yrs.
26.	Tehsil indents for stamps	1yr.
27.	Vernacular statements of fines received from courts	1yrs.
28.	Register of contingent charges	5yrs.
29.	Contingent cash book	15yrs.
30.	Abstract register of receipts and disbursements	12yrs.

APPENDIX E

Statement showing the manner of classification of criminal cases and the period for which criminal records, books and files are to be preserved as laid down in the General Rules (Criminal), 1952.

Classes of Records- Record shall be classified as follows -

Class I- Every complaint dismissed under section 203 of the code of Criminal Procedure, 1898.

Every case compounded under the law. Every application dismissed and every miscellaneous report or Proceedings, when not filed as part of the record of a regular case.

Every case under section 133 of the Criminal Procedure Code.

Every case in which an accused person is acquitted under section 247 or 248 of the code of Criminal Procedure.

Every case under the following laws in which the offence charged is punishable with fine only or with imprisonment not exceeding one year, with or without fine.

1. The Motor Vehicles Act (IV of 1939).
2. The Prevention of Cruelty to Animals Act (XI of 1890) as adapted to Rajasthan.
3. The Cattle Trespass Act (I of 1871), as adapted to Rajasthan.
4. The Vaccination Act (XIII of 1880), as adapted to Rajasthan.
5. Laws relating to stage carriages or hackney carriages.
6. Laws relating to Municipalities or other Local bodies.
7. The Rajasthan Stamp Law (Adaptation) Act, 1952.

Note (1) The register of regular criminal cases should be properly maintained and should show convictions where sentences are passed.

(2) Cases in which the order under the section 133, Criminal Procedure Code, is made absolute under sections 136, 137 or 140, Criminal Procedure Code, should be treated as falling in class III.

Class II- Every case in which the offence charged is punishable with fine only or with imprisonment not exceeding one year with or without fine; except offence the following Acts -

- (i) The Rajasthan Public Gambling Ordinance, 1949
- (ii) Laws relating to criminal tribes.
- (iii) Laws relating to excise.
- (iv) Laws relating to opium smoking.
- (v) Laws relating to salt.

Every appeal and revision case.

Class III- All other cases including cases under section 108 of the Criminal Procedure code-

Provided that a court for reasons to be recorded in writing may order that any case or proceeding belonging to class I be treated as belonging to class II or class III or any case belonging to class II treated as belonging to class III.

94. *Destruction of papers-* The entire record in class I shall be destroyed upon the expiration of one year, Part B in classes II and III shall be destroyed upon the expiration of three years, reckoning from the 30th June or 31st December next ensuing after the order disposing of the case.

Part A in Class III shall be destroyed upon the expiration :-

(a) Of ten years in a case under section 108 of the Code of Criminal Procedure, and in a case tried by a court of session, or by a Magistrate, in exercise of the powers granted to him under section 30 of the code of Criminal Procedure except that (i) in every case that judgment or final order of the Sessions Judge or Magistrate shall be retained for 50 years; and (II) in a case in which a conviction was under chapter VI of Indian Penal Code, the whole of Part A shall be retained for 50 years :

Proviso- In case tried by Session Judges in which punishment awarded is more than 7 Years rigorous imprisonment, special order of the Sessions Judges shall be taken in each case to destroy Part A of class III after ten years.

(b) of five years in other cases; except that in every case the judgment or final order of the Sessions Judges or Magistrates in cases in which the offences proved is an offence punishable under Chapter XII or Chapter XVII of the Indian Penal code with imprisonment of either description for a term of three and upwards shall be retained for 50 years ; reckoning from the 31st December next ensuing after the order desposing of the case ;

Provided always that -

(i) If the warrant with the certificate as to the manner in which the sentence has been executed has not been filed with the record before the expiration of the period above mentioned, the record shall be laid before the Court for further orders ;

(ii) A Session Judge or District Magistrate, for reasons to be recorded in writing may direct that any record or part thereof be retained permanently ;

(iii) The record of case in which an accused has absconded or is a lunatic or a person has been ordered to pay maintenance, shall not be destroyed until it be proved to the satisfaction of District Magistrate that such accused or other person is dead, or until a period of fifty years has elapsed since the order was passed.

(iv) the record of cases of non-criminal lunatics shall be destroyed upon the expiry of three years from the date the non-criminal lunatic is either discharged from the hospital or is dead or from the date the application filed under the section 5 of Indian Lunacy Act (IV of 1912) is dismissed under section 10(2) of the Act.

95. *Disposal of record liable to be destroyed* - As soon as may be after the 1st Janury, 1st july of each year, the records liable to be destroyed under the preceding rule shall be examined, and if their time for weeding has expired, shall be disposal of as follows :-

(1) Confidential papers and stamps and court-fees ; labels shall be torn to pieces and burnt in the presence of the official incharge record; notes and orders on administrative matters must be treated as confidential papers.

(2) All original documents and paper forming parts of records as also certified copies of such documents and papers shall be torn across and then sold as waste papers to the best advantage.

(3) Papers not covered by clauses (1) and (2) and accumulation of waste paper baskets shall be sold as waste paper without being torn at all.

The sale proceeds of paper shall be credited to Government and in order to secure that the best price is being obtained inquiries should be made as to the price obtainable in the neighbouring districts.

As each record is weeded, a note of the fact shall be made in the list with which it was received in the record room.

96. *Retention of registers and book etc-* the following books shall be retained for the periods specified against them, computed from the date of the latest entries :-

S.No.	Description of book or register	Period
1.	Register of fines, compensation, depodits, penalties and fees	Five years
2.	Register of requisitions for records	Three years
3.	Register of Records requisitioned and returned	Three years
4.	Register of the records taken by the presiding officer for examination	one year
5.	Inspection of registers	one year
6.	Register of copies	One year
7.	Stock book of printed forms	Three years.
8.	General Register of correspondence files	Six years.

S.No.	Description of book or register	Period
9.	Register of letters issued	Three year
10.	Register of letters received	Three years
11.	Register of general letters and circuiars	Thirty years.
12.	Register of complaints	Six years.
13.	Register of regular Criminal cases	Fifty years.
14.	Register of miscellaneous Criminal cases	Five years.
15.	Register of regular Criminal cases disposed of	Two years.
16.	Register of Malkhana articles	Twelve years
17.	Register of Police Reports of Offences	Six yearss.
18.	Register of miscellaneous Police Reports	Two years.
19.	Register of cases transferred under section 192 Criminal Procedure Code	Three years.
20.	Register of Criminal appeals	Three years.
21.	Register of Criminal appeals disposed of	Two years.
22.	Register of Criminal Revisions	Two years.
23.	Register of Criminal Revision disposed of	Two years.
24.	Register of Sessions Cases	Fifty years.
25.	Register of cases referred under section 123	Five years.
26.	Register of Sessions cases disposed of	Three years.
27.	Register of closed Registers	Permanently
28.	Register of witnesses	Three years.

97. *Retention of certain papers for more than one year-* The following papers shall be retained for the periods specified against them, computed from the 31st December of the year to which they relate :-

No.	Description of papers.	Period of retntion.
1.	Periodical staements and returns other than annual reports or returns and office copies of them and correspondence regarding them	Three years.
2.	Copies of orders forwarded under section 167 of the code of criminal Procedure, 1898, if not files with the record of a case	Three years.
3.	Proceedings in respect of absconding witnessis under section 87, 88 and 89 of the Code of Criminal Procedure, 1898 if not filed with the record of case	Three years.
4.	Invoice of consignments to the recoerd room	Three years.
5.	Papers relating to cotingent charges charges	Three years.
6.	Punishment of officials, after final orders have been carrid out and entry made in service book	Three years.
7.	Certificate of transfer of charge of office	Five years.
8.	Annual Reports and Returns	Twenty years.

98. *Retention of certain papers for a period of one year and three years :-* (1) The following papers shall be retained for one year : computed from the 31st December of the year in which they were written and in case of letters from the 31st December of the years in which the correspondence was closed.

S. No.	Description of papers.
1.	Application for copies, if not filed with the records of the cases to which they relate and correspondence relating to them.
2.	Reminders.
3.	Correspondence relating to leave and transfers.
4.	Correspondence relating to the service or execution of Criminal processes and to the summoning of jurors and assessors.
5.	Correspondence with other departments regarding Criminal proceedings under special laws.
6.	Office copies of calendars of committed cases.
7.	Correspondence relating to questions of practice or procedure which is concluded by the publication of a rule or order of competent authority.
8.	Correspondence and applications regarding employment.
9.	Copies of judgment and statements of the results of Sessions trials (Chapter IV rule 32)

(2) The following papers shall be retained for three years, computed from the 31st December of the year in which they were written and in case of letters, from 31st December of the year in which the correspondence was closed.

No.	Description of papers
1.	Correspondence regarding books, and furniture and repairs of courts.
2.	Indents for forms, stationery or additional copies of circulars and correspondence relating thereto.
3.	Correspondence relating to salary, travelling allowance and contingent bills.

99. *Destruction of papers :-* At the end of the period specified for retention, the books and papers mentioned in the three rules immediately preceding shall be destroyed in the manner prescribed in rule 85 :

Provided that a Sessions Judge or District Magistrate, as the case may be, may at his discretion direct the retention for a longer period or permanently of any paper which he may consider likely to be useful in the future.

100. *Notice to be given before destruction of original documents-* In cases in which original documents have been filed in a Criminal record, the Sessions Judge or District Magistrate, as the case may be, shall before destroying the Record on expiration of the period of retention, give notice by post, service bearing to the parties concerned intimating to them the impending destruction of the record and calling upon them to take back the original document in question. If the document is not claimed, it shall be destroyed after expiry of three months notice from the date of such notice.

APPENDIX F

Rules regarding the destruction of Accounts records in offices rendering Accounts to Accountant General as sanctioned in Genral Financial and Account Rules.

Appendix XII.

The destruction of records (including correspondence) connected with accounts is governed by the following rules and such other subsidiary rules consistent therewith as may, hereafter, be prescribed by Government in this behalf with the concurrence of the Comptroller and Auditor General of India :-

(a) The following should on no account be destroyed :-

Records connected with expenditure which is within the period of limitation fixed by law.

Records connected with expenditure on Projects, schemes or works not completed, although beyond the period of limitation.

Records connected with claims to service and personal matters affecting persons in the service.

Orders and sanctions of a permanent character, until revised.

(b) The following should be preserved for not less than the periods specified against them :-

Description of records.	Period of preservation years
Annual Establishment Returns (Books of Establishment)	35
Registers of contingent expenditure	5
Sub-vouchers for sums above Rs. 25/- pertaining to contingencies	3
Sub-vouchers for sums of Rs. 25/- or less pertaining to contingencies	3 or till the inspection by
the accountant General's of which earlier	five, ever is
Detailed budget estimates of an office	5
Travelling allowance bills and acquittance rolls relating thereto	3

Note 2:- The period of preservation of account records in the Public Works offices are prescribed separately by the Government.

(c) Where a minimum period after which any record may be destroyed has been prescribed, heads of departments may order in writing the destruction of such records in their own and subordinate offices on the expiry of that period counting from the last day of the latest official year covered by the record.

(d) Heads of departments are competent to sanction the destruction of such other records in their own and subordinate offices as may be considered useless, but a list of such records as properly appertain to the accounts audited by the Indian Audit and Accounts Department should be forwarded to the Accountant General for his concurrence in their destruction before the destruction is ordered by the head of the department.

(e) Full details should be maintained permanently in each office of all records destroyed from time to time.

APPENDIX G

LIST OF INDEX HEADS

This is a general list and many of the headings are not required in all offices. A head may be used alone or in combination with any sub-heads. Any head, may, if appropriate, be used as a sub-heads, under any other sub-heads. Local classification should be introduced where possible. For instance for indexing papers relating to assignments, leaves etc, of land or to encroachments, after the main head 'Encroachment' etc, of land or to name of district or tehsil or village. Personal papers relating to officials should be indexed under the name of the officers concerned.

"A"

1. Accidents.
2. Accounts-General
3. Accounts- Adjustments.
4. Accounts-Objections.
5. Advances.
6. Acts.
7. Acquisitions.
8. Administrative Powers.
9. Administration Reports
10. Agricultural Survey.
11. Agricultural-Statistics.
12. Alienation-Land.
13. Administrative Sanctions.
14. Allotment.
15. Allowance Bonus.
 - " Charge.
 - " Compassionate.
 - " Conveyance.
 - " Deputation.
 - " House rent.
 - " Personal.
 - " Travelling
16. Appeals.
17. Appointments.
18. Assessment
 - " Land.
 - " Revenue
- Audit.

"B"

19. Budgets.
20. Bills.
21. Board-Municipal.
22. Board-District.
23. Books and Publications.
24. Books-Service.
25. Boundary.
26. Building Government rented.
27. Bungalows.
28. Burning and burial grounds.

"C"

29. Canals.
30. Cattle-census
 - " diseases.
 - " Mortality.
 - " Pounds.
 - " Shows.
 - " Trespass.
31. Census.
32. Cesses.
33. Charitable endowments.
34. Circulars.
35. Compassionate pension.
36. Compensation.
37. Conferences.
38. Constructions.
39. Contingencies.
40. Convicts.
41. Co-operative Credit Societies.
42. Courts of Wards (C.W.)

Papers relating to individual estates to be indexed under the names of such estates.

43. Courts.
 - Bench.
 - Civil.
 - Criminal.
44. Criminal appeal.

"D"

45. Dacoity.
46. Dairy.
47. Dam
48. Darbar.
49. Darkhast.
50. Deaths.
51. Defalcations.
52. Defamation.
53. Delegations.
54. Demand, collection and balance (D.C.B.)
55. Demarcation.
56. Depressed classes.
57. Destruction of Records
58. Destruction of Wild animals.
59. Dismissal.
60. Distribution list (of work)
61. District Boards
62. District Municipalities.
63. Divisional Officers.

"E"

64. Elections.
65. Electoral Rolls.

66. Embezzlement.
67. Encroachments.
68. Endowments.
 - Charitable
 - Religious.
69. Epidemic diseases.
70. Establishments.
71. Estates.

Under this head general orders relating to estates will be indexed. Individual estimates will be indexed under the heads to which the individual work relates, e.g. irrigation, buildings etc.

"F"

72. Fairs.
73. Family pension.
74. Festivals.
75. Financial statements.
76. Fines. (General orders about individual orders inflicting to be indexed under the personal name of the officer fined.)
77. Fingers prints.
78. Fire.
79. Funds.
 - Appropriation.
 - Endowment.
 - Expenditure.
 - Re-appropriation.
 - Resumption of
 - Sinking.
 - Surrender of.
 - Transfer of.

80. Furniture.

"G"

81. Gazetted Officers.
82. General Provident Fund.
83. Grants Discretionary.
84. Gratuity.

"H"

85. Harijans.
86. Headmen.
87. Headquarters.

"I"

88. Income Tax.
89. Indents.
90. Industries.
91. Inquiries.
92. Insolvency.
93. Invalid pension.
94. Irrecoverable.

95. Irrigation (Irri.)
96. Jagir.
97. Jails.

"L"

98. Land.
99. Land acquisition. L.A.
100. Land alienation.
101. Land assignment.
102. Land attachment.
103. Land fees.
104. Land Encroachment.
105. Land Improvement.
106. Land Revenue.
107. Land Transfer.
108. Law and Justice.
109. Lease.
110. Legislative Assembly.
111. Library.
112. Loans.
113. Local Fund.

"M"

114. Maps.

"O"

115. Objection Statement.
116. Office manual.
117. Office orders (General orders regarding their issue etc, individual orders will be indexed under their subject heads)

"P"

118. Patta.
119. Pattadar.
120. Patta transfer.
121. Pensions (pens.)
122. Pensioners political,
123. Periodical Returns.
124. Permanent advance.
125. Permits.
126. Political agitations.
127. Political detenuous.
128. Post office.
129. Pounds.
130. Press
131. Press Communique.
132. Process.
133. Processions.
134. Progress Reports.
135. Projects.
136. Proportionate pensions.
137. Provident Fund.
138. Public endowment.
139. Public Servants inquiries.
140. Public Works Department (P.W.D.)
141. Publications..

"R"

142. Rain Fall.
143. Reappropriation.
144. Record room.
145. Record of rights.
146. Recovery of rent of revenue.
147. Recruiting.
148. Refunds.
149. Registers.
150. Regulations.
151. Relief Works.
152. Religious institutions.
153. Remissions.
154. Remittances.
155. Rent.
156. Rent recovery.
157. Resettlement.
158. Resignation.
159. Retirement.
160. Returns.
161. Revenue recovery.

"S"

162. Sanitation.
163. Scholarships.
164. Service books and rolls.
165. Settlement
166. Smuggling.
167. Societies, co-operative credit
168. Stamp vendors.
169. Stationery.
170. Subsidy.
171. Sub-treasury.
172. Summons revenue.
173. Surrender of funds.
174. Survey.
175. Suspensions (General orders on this subject. Individual cases will be indexed under the personal name of the officer concerned.)
176. Touring.
177. Transfer of charges.
178. Transfer of funds.
179. Treasurer.
180. Treasure-trove
181. Treasury.
182. Trees.

"U"

183. Unauthorised.
184. Unclaimed property.
185. Uniforms.

"V"

186. Village officers.

APPENDIX-H

FORM NO. 1

Goshwara of Revenue Basta.

Date of receipt.	Serial No.	No. of suit.	Names of parties.	Nature of suit.
1	2	3	4	5
Date of final orders.	Abstract of final orders and order on review.	No. of papers	Date of destruction.	
6	7	8	9	
Record keeper's signature.	Remarks.			
10.	11.			

FORM NO. 2.

Goshwara of Criminal Basta.

Date of receipt	Serial No.	No. in general register.	No. of case.	Names of parties.
1	2	3	4	5
Charges	Date of final order	No. of papers.	Date of destruction.	Record Keeper's signature.
6	7	8	9	10
				11

Files of appellate review or revision and execution orders shall be attached to the original file and an abstract entered in the index of that file.

APPENDIX I

FORM NO. 1

Subject-Register of application for copy.

S.No.	Name and residence of applicant.	Name of the court or office to which file belonged.	Name and nature of case with name of parties.
1	2	3	4
Date of order or record of which copy is desired.		Date of presentation of application.	Number of sheets used
5		6	7
Fees.		Court fee stamps	
8		9	
Free due ordi-nary.	Urgent fee.	Search fee.	Total
1	2	3	4
Date of preparation of copy		Cause of delay, if any	Name of Copyist.
10.		11	12
			Number of register No. 2
			13
Initial of officer-in-charge authorising delivery of copy with date of delivery			Remarks.
14			15

FORM No. 2.

Date	S.No.	Number of appli-cation in register No.1	Name of copyist,	Number of sheets used
1	2	3	4	5
Copying fee due		How delivered whether personally or by post.	Initial of officer.	Remarks.
6		7	8	9

FORM NO. 3

Subject :- Register of work done by copyist.

Date	Name	No. in register	Sheets used	Fee realised
1	2	3	4	5
Sum of fees due to copyist.		Daily total.	Initial of the officer.	
6		7	8	
Total for Month.				