

## CHAPTER 16

### RECORDS

#### PART-A- PREPARATION OF JUDICIAL RECORDS

##### 1- General Directions

**1.** [1][All applications and petitions presented to Civil and Criminal Courts shall be written shall be typed on both side of superior quality legal size paper of 80 GSM. The font shall be Thorndale or Times New Roman in size '14' with double space. Margins on the top and bottom of the page shall be 1.25 inches and 0.75 inch, respectively. The left side and right side margins shall be 1.25 inches. The numbering shall be at the top middle of each page and will run through both sides of the page.

Quality of paper to be used for applications, petitions etc.

The use of petition paper is not necessary for powers of attorney filed by counsel, *Fard Talbanas*, and lists of documents. The courts should, however, insist on foolscap paper of good quality being used for such documents.

Note: In order to avoid immediate inconvenience to the stakeholders, the filing shall be accepted as per existing unamended rule for two months from the date of coming into force of this amendment or for such period thereafter as may be extended by Hon'ble the Chief Justice.]

**2.** The official foolscap half-sheet, which is very nearly the same size as the petition paper alluded to in to last paragraph, should be used for all English portions of the record.

Paper to be used for English record.

**3.** All Judicial forms which are in the English language are supplied on paper of the size of half a sheet of foolscap. Forms which are in the Vernacular should be printed on paper of the size of the standard petition paper, or of a quarter sheet of standard Jail paper as may be most convenient.

Paper to be used for forms.

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[1] Amended vide Correction Slip No. 181 Rules/II.D4 Dated 29.10.2018

Paper to be used for vernacular records of Court.

4. The Vernacular portion of the record should be written on 'B' quality paper as supplied by the Jail Department, folded to quarter sheet, which will be as nearly as possible of the same size as a half sheet of ordinary foolscap, and as the standard pattern petition paper. There is no objection to paper of lighter texture being used for forms of processes which may have to be transmitted by post, but the size should always be that prescribed above. Decretal order forms and other forms used for purposes of records should always be printed on stout durable paper. 'B' standard quality paper supplied by the Jail Department should be used exclusively for All Vernacular Records, Proceedings and Registers.

Paper to be used for vernacular autograph records of Courts.

5. Country-milled *Badami* paper may be used for the autograph records of Judges and Magistrates who do not write their records in English. This paper is obtainable on indent from the Controller, Printing and Stationery, Punjab, in accordance with the rules in the Punjab Printing and Stationery Manual.

General Instructions for preparation of record.

6. Attention should be paid to the following matters:-

Writing on top and sides.

(a) The practice of writing orders and other matters across the top and along the sides of a page is forbidden;

Margin to be left on either sides.

(b) In all Vernacular proceedings a sufficient margin should be left on each side of the paper, so that writing may not be obliterated by fraying at the edges;

How records should be tied and kept between stiff covers.

(c) Records in use in Courts should be placed between stiff wooden or cardboard protectors of the standard size so that the strain of the cloth or other covering, or of the string or tape, does not fall on the papers within. It is not intended that the record of each case should be placed between stiff covers; all that is necessary is to tie each record with broad tape or *nawar* instead of string. But each *bundle* of records should, until consigned to the Record-room, be kept between stiff covers to prevent fraying, folding, etc;

English papers.

(d) all English papers should be placed full size, unfolded and, tagged together within a cover of strong country paper;

Exhibits.

(e) exhibits should be folded to as nearly as possible the same size and placed in envelopes of the size of the record;

[1](f) The abstract of the case, depositions of witnesses and judgments shall be in English language duly typed on both side of superior quality legal size paper of 80 GSM. The font shall be Thorndale or Times New Roman in size '14' with double space. Margins on the top and bottom of the page shall be 1.25 inches and 0.75 inch, respectively. The left side and right side margins shall be 1.25 inches. The numbering shall be at the top middle of each page and will run through both sides of the page.

Abstracts of the case, evidence and judgment.

Note: In order to avoid immediate inconvenience, the abstract of the case, depositions of witnesses and judgments shall be typed as per existing unamended rule for two months from the date of coming into force of this amendment or for such period thereafter as may be extended by Hon'ble the Chief Justice.

(g) Every page (not sheet) should be consecutively numbered;

(h) It should be remembered that one of the essentials of a good record is that it can be read without difficulty by others. Cases sometimes come before the High Court in which the record is so illegible as to cause serious inconvenience.

Numbering of pages.

Handwriting.

[2](i) The Court may in its discretion order the lamination of documents wherever found proper and appropriate and on specific application of any of the parties at their costs. The costs of the lamination of documents shall also be borne by the party directed by the Presiding Officer(s) of the Court(s).

### ***II-Index of Papers, Consigning and Checking of Record***

1. Each civil and criminal record should have pre-fixed to it an index of its contents, and such index should be in the prescribed form.

Index

2. Each paper admitted should be entered in the index on the day on which it is so admitted by the official in charge. The autograph record of the presiding officer should be entered, as a single paper, as soon as the case is concluded. The entries in column 4 must be in sufficient detail to allow of the papers described being readily identified, e.g., the entry regarding a power-of-attorney should specify by whom the power is granted and whom it empowers; the entry regarding a deposition sheet should note the name of the deponent etc., etc.

Directions as to preparation of index.

[1]Amended vide Correction Slip No. 165 Rules/II.D4 Dated 30-8-2012, and Further, amended vide Correction Slip No. 181 Rules/II.D4 Dated 29.10.2018

[2] Inserted vide Correction Slip No.138 Rules/II.D.4, Dated 3-4-2007

Index number on record. Withdrawal of documents to be noted on index.

3. Each paper on being entered in the index should be marked with its index number. Where a paper consists of more than one sheet, each sheet should be thus marked. Whenever documents used in evidence are withdrawn, whether before or after judgement, a note of such withdrawal should be made in the column or remarks, and it should be stated whether a copy has been substituted or not.

Separate index for each part. Note about destruction and certificates.

4. At the conclusion of the case, the official who has had charge of the record should separate the papers and arrange them into two or three parts (Part A, and Part B, or Part A Part A (i) and Part B, as the case may be) according to rules 3 and 4 of part F of this chapter. For each Part there shall be a separate index. The index on Part A will show all the papers which were originally on the record, while those on Part A (i) and Part B will only show those papers which are transferred to those parts. When any paper is transferred to Part A (i) or Part B, an entry should be made in the Remarks column of the index of Part A showing the Part to which the paper has been transferred. The said official should also enter in red ink the words "Not to be destroyed" in the remarks column of the index of Part A of the record against any paper which is to be preserved under Rule 17 of Part F of this chapter. The certificate at the foot of the index should be signed and the record should then be made over to the record department.

Consigning records to record room

5. Records of cases decided by all criminal and civil Courts excepting those courts which have separate record-rooms of their own (e.g., the Courts of District and Sessions Judges and Courts of small causes at Amritsar) are consigned to the District Record Room under the control of the Deputy Commissioner.

Records of Small Cause Court.

Note 1.- The records of a suit decided by a Sub-Judge in exercise of the powers of a Judge or Registrar which have been specially conferred, or of a Judge or Registrar of a court of Small Causes in exercise of the powers of a Sub-Judge, are consigned to the record of the Deputy Commissioner.

Insolvency and Guardianship record.

Note 2.- Records of cases under the Guardians and Wards Act and the Provincial Insolvency Act decided by a Sub-Judge specially empowered in this behalf, are consigned to the record room of the Deputy Commissioner.

Records of a Civil Appeal or Revision decided by a Sub-Judge specially empowered.

Note 3.- Records of Civil Appeals and Civil Revisions decided by a Sub-Judge specially empowered, are consigned to the record room of the District Judge except in the districts which are not the headquarters of a District Judge where they are consigned to the record room of the Deputy Commissioner.

5-A Civil and Criminal Courts while sending records for consignment to the District Record Room under the control of the Deputy Commissioner, shall comply with the following instructions:-

(i) In the case of courts at headquarters of districts, a challan in duplicate in form given hereinafter, alongwith the court registers, duly completed, will accompany the records. The court registers will be immediately returned after being signed by the Record Room Clerk receiving the records. One copy of the challan will be returned later, after entry of Goshwara number with date against each record and signature in full of the Record Room Clerk. The other copy of the challan will be retained by Record Room staff.

(ii) In the case of outlying courts, the challan will be prepared in triplicate and sent to the District Record Room along with the records sought to be consigned. The Record Room Clerk will acknowledge receipt of the records by signing and immediately returning one copy of the challan without waiting to enter the Goshwara number and date to the court concerned. The second copy will be returned later after entry of the Goshwara number with date against each record and signature in full of the Record Room Clerk. The third copy will be retained by the Record Room Staff.

(iii) The Goshwara numbers given by the Record Office in the challan will be entered in the court registers by the Ahlmad. Presiding Officers of Court should, on the first working day in the months of February, May, August and November check the Goshwara numbers given in the court registers by Ahlmads with those entered in the challan in order to see that entries are correctly made in the court registers and sign the court registers in token of their check;

(iv) Copies of challans retained by the Record Room staff will be kept for 3 years and destroyed there-after.

<sup>[1]</sup> 5-B. (i) The file of every decided case should be consigned to the record room within a period of 15 days from the date of the final orders passed therein and that in case of default, explanation for the delay, duly signed by the Presiding Officer, should accompany the record;

(ii) on the 15<sup>th</sup> day of every calendar month, each District & Sessions Judge shall obtain from all Judicial Officers subordinate to him certificates to the effect that all cases decided by each of them during the month immediately preceding have been consigned to the record room within the said period of 15 days, and shall submit a report to the High Court after checking up the relevant registers in order to verify the correctness of the certificates with reference to the entry of the Goshwara number in each case.

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[1] Inserted vide Correction Slip No.40 Rules/XX.C.32 dated 5-2-73

## (FORM OF CHALLAN)

Court of \_\_\_\_\_ in \_\_\_\_\_ District

## CHALLAN OF FILES CONSIGNED TO DISTRICT RECORD-ROOM

Date of Despatch of records to District Record Room	Serial Number	Case Number	Names of parties	Nature of case	Date of decision	Name of village Basta in which record consigned	Signatures in full of Record Room Clerk receiving the file with	Goshwara number with date
1	2	3	4	5	6	7	8	9

6. On receipt of the case in the record room, the Record-keeper will examine the index and check the entries in columns 1,2 and 6 with the papers and stamps in the record. He will then, if the record is complete, sign the certificate to that effect at the foot of the index, and enter the case in its appropriate Register; if any papers or court-fee stamps are missing he will at once bring the deficiency to notice.

Checking of records by the record-keeper.

7. In every office there should be a responsible Despatcher and Receiver of Judicial records, whose duty should be to check the papers in each record which passes through his hands, and either certify, in the manner provided in Part B that the index is correct and the record complete, if this is the case, or immediately bring to notice any deficiency in papers or court-fee stamps. This course will be followed by every succeeding official into whose hands the record passes for any purpose unless such official has been specially exempted by the head of the office from complying with this rule. Heads of offices should only permit exemptions in case in which the purpose for which the record is required is of so temporary or special a nature as to render compliance with the rule unnecessary. The last certifying official will ordinarily be held responsible in the event of any deficiency in papers or court-fee stamps being subsequently discovered.

Checking of record on its passing from one official to another.

**III- Execution Records**

8. To enable proper destruction of records in accordance with sub-rule(1) of rule 12 of Chapter 16-F, Rules and Orders, Volume IV, all civil courts will, in January, April, July and October each year, send to the record-keeper a list of their execution cases in respect of records which are six years old or are about to become 6 years old in which the decrees have been fully executed or have become incapable of further execution. For the preparation of these lists, reference should be made to civil register No. I (Civil suits) and to civil register No. X (execution of decrees) as prescribed in Part A-IV of Rules and Orders, Volume VI, Part A. Columns 16 to 18 and 20 register No. I show what happened in execution while column 22 of register No.10 contains the date on which an execution case struck off the file and the purport of the final order. It is the duty of each presiding officer to see that the registers of his court are properly maintained, and that the quarterly statement prescribed herein is correctly prepared and despatched to the record-keeper promptly.

Statements of case in which decrees have been satisfied or have become incapable of execution to be sent to record-keeper.

