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കേരള സർക്കാർ
GOVERNMENT OF KERALA

കേരള ഗസറ്റ് KERALA GAZETTE

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GOVERNMENT OF KERALA
2024



THE HIGH COURT OF KERALA

NOTIFICATION

No. DI-1/55973/2021.

16th October 2024.

In exercise of the powers conferred by clause (a) of sub-section (2) of Section 2 of the Kerala Destruction of Records Act, 1961 (Act 2 of 1962), and all other powers enabling it in that behalf, the High Court of Kerala, with the previous approval of the Government of Kerala, conveyed in G. O. (Ms.) No. 193/2024/Home, dated 16-8-2024, hereby makes the following rules further to amend the Kerala Destruction of Records Rules, 1966 issued under the High Court Notification No. DI-8254/63, dated 17th September, 1966 and published in the Kerala Gazette No. 44, dated 8th November, 1966, namely:—

RULES

1. *Short title and commencement.*—(1) These Rules may be called the Kerala Destruction of Records (Amendment) Rules, 2024.

(2) They shall come into force at once.

2. *Amendment of the Rules.*—(1) Before the existing rule 1, the following rule shall be inserted, namely:—

“1. These rules shall apply to records in physical form only, and not to any records electronically filed [E-Filed] or otherwise produced or maintained before any court.”;

(2) the existing rule 1 shall be renumbered as rule 1A;

(3) in rule 2, in the Explanation to sub-rule (1),—

(i) in clause (a) for the words and symbol “or when further execution proceedings are not taken, on the expiry of twelve years from the date of the final order on the last application for execution”, the words “or when period of limitation expires without any proceedings being taken or when the earlier proceedings are closed without further execution proceedings and the period of limitation for execution of the decree expires” shall be substituted;

(ii) after clause (c), the following clause shall be inserted, namely:—

“(d) In long pending criminal cases the date of completion shall be the date of final disposal, against all or any of the accused.”;

(4) in rule 5, in the first proviso, for the words “District Magistrate shall cause any papers to be destroyed without previous permission from such District Court or District Magistrate”, the words and symbols “Chief Judicial Magistrate shall cause any papers, records, registers or books to be destroyed without previous permission from such District Court or Chief Judicial Magistrate” shall be substituted;

(5) after rule 5, the following rule shall be inserted, namely:—

“5A. *Digitisation of Records.*—The periods of retention prescribed in rules 3, 4, and 5 shall be subject to any rule relating to Kerala Digitisation of Court Records Rules, 2023. In such cases, the records exempted under fourth proviso to rule 5 shall also be destroyed as provided in the appendices.”;

(6) in rule 6,

(i) in sub-rule (1),



(a) after the word “court”, the words and symbol “and in the website of the District Court of the district in which the court is situated,” shall be inserted;

(b) for the words and figures, “The notice shall be published by the 15th of January and the 15th of July of each year and shall remain on the board for not less than a month”, the words and symbols, “Such notice shall remain on the board/website for not less than a month. The court shall cause destruction of the records two times a year.” shall be substituted;

(ii) in sub-rule (2),—

(a) after the words “foot note”, the following words “in English and Malayalam” shall be inserted:—

(b) in para 2 after the words “from this date”, the following sentence in Malayalam shall be inserted, namely:—

“ഈ തീയതി മുതൽ മൂന്ന് വർഷത്തിനകം റിക്കാർഡുകൾ നശിപ്പിക്കപ്പെടും എന്നതിനാൽ, പൂർണ്ണമായും നിയമസാധുതയില്ലാത്തതോ ഉപയോഗശൂന്യമായതോ, അല്ലെങ്കിൽ ഒരു വിധിയാലോ ഉത്തരവിനാലോ അസാധുവാക്കപ്പെട്ടതോ ഒഴികെ, സൂക്ഷിച്ചു വെക്കാൻ ആഗ്രഹിക്കുന്ന എല്ലാ രേഖകളും തിരികെ ലഭിക്കുന്നതിന് കക്ഷികൾ എത്രയും വേഗം അപേക്ഷിക്കണം.”

(7) the proviso to rule 9 shall be omitted;

(8) rule 10 shall be omitted;

(9) in the APPENDIX B, in the table under part I,—

1. against Sl. No.1, in column (1),—

(i) in the entry in Column (2), after the word “Original”, the symbol and word “/Commercial”, shall be inserted;

(ii) in column (3),—

(a) in the entry in item 4, after the words “Compromise petition” wherever they occur, the words “or mediation agreement” and after the word “itself” the words, “awards of Lok Adalat” shall be inserted respectively;

(b) in the entry in item 6, after the word “ex-parte”, the words, figures and symbol “and notices of institution of the suits under Order I Rule 8 of the Code of Civil Procedure, 1908” shall be inserted;

2. in the entry in column (2), against Sl. No. 6 in column (1), after the words “dissolution of marriage” the words, figures, brackets and symbol “and the Mental Healthcare Act, 2017 (Central Act 10 of 2017)” shall be inserted;

3. Sl. No. 10 and its corresponding entries in column (2) and (3) shall be omitted;

4. in column (3), against Sl. No. 10 A in column (1), the existing entry “Judgement and Decree” shall be numbered as item 1 and after the item so numbered, the following item shall be inserted, namely:—

“2. Reference by the Government and claim statements of parties.”;

5. after Sl. No. 11, the following serial number and entries against it in columns (2) and (3) shall be inserted, namely:—

12. in proceedings under the Kerala Buildings (Lease and Rent Control) Act, 1965

Entire Records



(10) in the APPENDIX B, in the table under Part II,-

(i) in the entry in column (2), against Sl. No. 1 in column (1), after the word “Original”, the symbol and word, “/Commercial” shall be *inserted*;

(ii) in the entry column (2) against Sl. No. 5 in column (1), the words “and dissolution of marriage” shall be *omitted* and after the words “succession certificates”, the symbols, words, figures and brackets, “/dissolution of marriage and the Mental Healthcare Act, 2017 (Central Act No. 10 of 2017)” shall be *inserted*;

(11) in the APPENDIX B, in the table under Part III, in column (2) against Sl. No. 1 in column (1), the figures and word “10 and” shall be *omitted* and after the figure “11”, the word and figures “and 12” shall be *inserted*;

(12) in the APPENDIX C, in the table,—

1. against Sl. No.1 in column (1),-

(i) in the entry in column (2), after the words “Original Suits”, the symbol and words “/Commercial Suits” shall be *inserted*;

(ii) in column (3), against the entry (a) in column (2), for the word “Permanent”, the figures “20” shall be *substituted*;

(iii) in column (3), against the entry (b) in column (2), for the figures “30”, the figures “12” and for the figures “20”, the figure “7” shall respectively be *substituted*;

(iv) in column (3), against the entry (c) in column (2), for the figures “30”, the figures “12” and for the figures “12”, the figure “7” shall respectively be *substituted*;

2. in the entry in column (3), against Sl. No. 2 in column (1), for the figures “30”, the figures “12” and for the figures “12”, the figure “3” shall respectively be *substituted*;

3. Sl. No. 3 and the entries against it in columns (2), (3), (4) and (5) shall be *omitted*;

4. in the entries in column (3) against the entry 3A in column (1), for the figures “30”, the following words and figures shall be *substituted*, namely:—

“12 and for Reference by Government and claim statements of parties - 7”;

5. against Sl. No. 4 in column (1),-

(i) in the entries in column (3), against the entry (a) in column (2), for the word ‘Permanent’, the figures “20” shall be *substituted*;

(ii) in the entry in column (4) against entry (a) in column (2) for the figures “12” the figure “5” shall be *substituted*;

(iii) in the entries in column (3) against the entry (b) in column (2) for the figures “30”, the figures “12” and for the figures “20”, the figure “7” shall respectively be *substituted*;

(iv) in the entries in column (4) against the entry (b) in column (2) for the figure “6”, the figure “5” shall be *substituted*;

(v) in the entry (c) in column (2) the words, “Lunacy Act and” shall be *omitted* and after the words “Dissolution of Marriage”, the words, figures, bracket and symbol “ and the Mental Healthcare Act, 2017 (Central Act 10 of 2017)” shall be *inserted*;

(vi) in the entries in column (3), against the entry (c) in column (2), for the figures “30”, the figures “12” and for the figures “20”, the figure “7” shall respectively be *substituted*;



(vii). (i) in the entries in column (3), against the entry (d) in column (2), for the figures “30”, the figures “12” and for the figures “20”, the figure “7” shall respectively be *substituted*;

(viii) in the entries in column (4), against the entry (d) in column (2), for the figure “6”, the figure “5” shall be *substituted*;

(ix) in the entries in column (3) against the entry (e) in column (2), for the figures “30”, the figures “12” and for the words “minority cases”, the words “attaining majority” shall respectively be *substituted*;

(x) in the entries in column (3) against the entry (f) in column (2), for the figures “30”, the figures “12” shall be *substituted*;

(xi) in the entries in column (3) against the entry (g) in column (2), for the figures “30”, the figures “12” and for the figure “5”, the figure “3” shall respectively be *substituted*;

(6) in column (3), against Sl. No. 5 in column (1), after the word “Permanent”, the words, brackets and figure “[Subject to Note 7]” shall be *inserted*;

(13) in the APPENDIX C, in the Notes,—

(i) after Note (2), the following proviso shall be *inserted*, namely,—

“Provided that if the interest of the minor is involved, the records shall be destroyed only after three years of the minor attaining majority.”;

(ii) in the Note (5), for the words “District Magistrate” the words “Chief Judicial Magistrate” shall be *substituted*;

(iii) in the Note (8), the word “mortgage” shall be *omitted*.

(iv) in Explanation to Note (8), after the word “concerned”, the following symbol and words shall be inserted, namely:—

“website of the District Court of the district in which the court is situate”;

(14) 1. in the APPENDIX D, in the table under Part I,—

(i) in column (3), after item 5 against Sl. No. 1 in column (1), the following item shall be *inserted*, namely:—

“6. Final reports under section 173 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974)”;

(ii) in column (3), after item 4 against Sl. No. 3 in column (1), the following item shall be *inserted*, namely:—

“5. Complaints /petitions /pleadings in contested miscellaneous cases.”;

(iii) after Sl. No. 3, the following Sl. No. and the entries against it in columns (2) and (3) shall be *inserted*, namely:—

“4.	Criminal Miscellaneous Petitions not forming part of any case	All papers”
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2. in the APPENDIX D, in the table under Part II, in item 3 in column (3) against Sl. No. 1 in column (1), for the words, figures and symbols, “Section 174 and 175 of the Criminal Procedure Code, Act V of 1898”, the following words, figures, brackets and symbols shall be *substituted*, namely:—



“sections 173 and 174 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974)”;

(15) in the APPENDIX E, in the table

1. against Sl. No. 1 in column (1),—

(i) under Part I in column (3), against item (a) in column (2), for the figures “20”, the figures “10” shall be *substituted*;

(ii) under Part I in column (3), against item (b) in column (2), for the figures “20”, the figures “10” shall be *substituted*;

(iii) for item (d) in column (2) and against it under Part I in column (3) the following item shall be *inserted*, namely:—

(i) in contested matters	3
(ii) in other cases	1

(iv) in column (3), against item (A) in column (2), for the figures “10”, the figure “5” shall be *substituted*;

(v) for the item (e) in column (2) and the entries against it under Part I in column (3), the following entry shall be *substituted*, namely:—

(e)	Criminal Miscellaneous Petitions not forming part of any case	2
-----	---	---

2. against Sl. No. 2 in column (1),—

(i) in column (3), against item (a) in column (2), for the figures “20”, the figure “5” shall be *substituted*;

(ii) in column (3), against item (c) in column (2), for the figures “10”, the figure “5” shall be *substituted*;

(iii) in column (3), against item (d) in column (2), for the figure “3” under Part I the figure “5” shall be *substituted*;

3. for Sl. No. 3 in column (1), and the entries against it in column (2) and (3), the following Sl. No. and entries against it in column (2) and (3) shall be *substituted* namely:—

“3	All records in cases in which investigation is stopped by the police	10”	..
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4. after Sl. No. 3 in column (1), the following Sl. No. and entries against it in columns (2) and (3) shall be *inserted*, namely:—

“3A	All records in cases referred by the police	3”
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5. for the entries for Sl. No. 4 against it in columns (2), (3) and (4), the following Serial Number and entries shall be *substituted*, namely:—

“4	Records in cases entered in the Register of long pending cases		
	(i) Sessions cases, punishable with imprisonment for life or death	Permanent	Permanent
	(ii) All other cases	30	30”

(16) for APPENDIX F and the Notes thereunder, the following APPENDIX shall be *substituted*, namely:—



APPENDIX F

Table showing the periods prescribed for the retention of the various Court Registers, Books and Papers

<i>No.</i>	<i>Description of Court Registers, Books and Paper</i>	<i>No. of years for which registers etc. are to be retained</i>
(1)	(2)	(3)
1	Register of Suits (Civil)	20
2	Register of Appeals (Civil)	20
3	Register of Miscellaneous Appeals	20
4	Register of Small Causes	12
5	Register of Original Petitions	12
6	Register of Miscellaneous Petitions	12
7	Register of Insolvency Petitions received	20
8	Register of Insolvency Petitions disposed of	20
9	Register of proceedings in Insolvency subsequent to orders of adjudication	20
10	Dividend Register in insolvency	10
11	Register of assets in insolvency	10
12	Register of leases in insolvency	10
13	Register of applications for return of documents	3
14	Receipt books for return of documents to parties	3
15	Register of commissions issued	3
16	Register of Receivers appointed	3
17	Register of suits disposed of	3
18	A Diary	3
19	Register of Court-fees	3
20	Register of execution petitions and register of execution proceedings in suits of other courts	5
21	Register of movable and immovable properties attached	5
22	Court deposit registers other than cash book and ledger	Five years or so long as any outstanding remains
23	Registers other than account register in the Nazirat Department	1



(1)	(2)	(3)
24	Process Service Registers	1
25	Copyist Registers	1
26	Magisterial and Judicial registers of correspondence received and despatched and administrative registers of despatch	2
27	Receipt registers of administrative correspondence	3
28	Register of pleaders and Vakil clerks	5
29	Cash book and ledger and lapsed lists of judicial deposits	20
30	Account book other than cash book and ledger	2
31	Stationery Accounts	2
32	Postage Accounts	2
33	Contingent Register	2
34	Contingent Bills	2
35	Contingent vouchers not sent to the audit office or Head of the Department	2
36	Chalan, Cheque books and counterfoil receipt books	3
37	Counterfoils of court warrants for deposits repayments	3
38	Pay bills and acquittance rolls, where these are maintained separately, of Government Servants for whom no establishment returns are submitted or no service books or rolls are maintained. N.B.- In the case of copyists, who do not belong to pensionable service, pay bills need be preserved only for three years	10
39	Pay bills and acquittance rolls, where these are maintained separately, of inferior Government Servants N.B.- Where, however, the service of inferior Government Servant is verified annually, the period of preservation of pay bills and acquittance rolls will only be three years	10
40	Pay bills of other classes of Government servants and acquittance rolls of pay and allowances (other than travelling allowance) when maintained separately	6
41	Travelling allowance bills and acquittance rolls relating thereof	2
42	Cases (including service books and leave accounts attached thereto) in which invalid or compensation pensions have been sanctioned	10
43	Other pension cases (including service books and leave accounts attached thereto)	Till death or disposal of pension claims whichever is later
44	Security Register	20



(1)	(2)	(3)
45	Official correspondence with the High Court on important matters and all orders, reviews etc. received from the High Court or Government other than those specifically provided for in this table	10
46	Other Official correspondence relating to matters which have terminated	1
47	Yearly and half-yearly statements	5
48	Monthly periodical and quarterly statements including accounts of stamp duties and penalties	1
49	Annual establishment return	20
50	Detailed budget estimates of office	2
51	Statement of monthly progressive expenditure and correspondence relating to discrepancies in figures	2
52	Applications for leave and orders thereon, applications from candidates for employment and reports on applications not relating to suit or proceedings in Court	1
53	Fort St. George, Travancore, Travancore-Cochin and Kerala Gazettes Cochin Gazettes Foot Note: Fort St. George, Travancore, Travancore-Cochin and Kerala Gazettes shall be preserved for a period of 20 years and in case the said Gazettes are available online, then they shall be kept for a period of 10 years whichever is earlier Cochin Gazettes shall be preserved only in the District & Sessions Court, Ernakulam, till they are available online.	20 in District & Sessions Courts Permanent
54	Government of India Gazettes Gazettes Parts I, II, III Government of India Gazette Supplements Rest	3 in District & Sessions Courts 3 10
55	Register of Long pending cases (i) Sessions cases punishable with death or imprisonment for life (ii) All other cases	Permanent 30
56	Register of warrant cases/sessions cases	Permanent
57	Registers (other than of summary trials) in the use of Criminal Courts	3
58	Magisterial diaries, Police arrest returns, Police occurrence reports and Police reports on unnatural and sudden deaths	1
59	Bound Volumes of printed sessions judgments	15
60	Record Destruction Registers and lists of records, registers etc. destroyed	30
61	Administrative Reports (Criminal) salient features	3
62	Other court or office books and registers	1



- Notes:*—(1) Administration Reports submitted by the District Judge to the High Court every year fall under item 45.
- (2) Check slips and the correspondence relating thereto should go with the statement of returns that give rise to them and should accordingly fall under either item 47 or 48.
- (3) Cases of gratuities fall under item 43.
- (17) In Appendix G, in the table under Form No. 5, in the heading of column 4, after the word “appeal”, the words “or other proceeding” shall be *inserted*.

By order,

(Sd.)

Registrar General.

Kochi.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

The High Court has observed that the Kerala Destruction of Records Rules, 1966 needs amendments on various aspects. The above amendments are also in tune with the Kerala Digitisation of Court Records Rules, 2023.

The notification is intended to achieve the above object.

