

Appendix E

RRDC Rules relating to preservation, scanning and destruction of disposed of records of the High Court



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THE HIGH COURT OF ORISSA, CUTTACK
NOTIFICATION
The 13th September 2021

No. 998/R-In exercise of the powers conferred by Rule 6 of The Orissa High Court Order, 1948 read with Section 3 of the Destruction of Records Act, 1917 (5 of 1917) and all other powers enabling it in this behalf, the High Court of Orissa, with the prior approval of the State Government hereby makes the following rules further to amend the Rules of the High Court of Orissa, 1948, namely:-

- These Rules shall be called “The Rules of the High Court of Orissa (Amendment) Rules, 2021.”
- They shall come into force on such date as the High Court may, by notification, appoint in this behalf.
- In the Rules of the High Court of Orissa, 1948, for chapter-XXV, the following chapter shall be substituted, namely: -

Chapter-XXV

Preservation and Destruction of Civil and Criminal Records.

1. Notwithstanding any period of preservation prescribed in these Rules, any judicial records book or paper, may be destroyed after being retained in electronic form in accordance with Section 7 of The Information Technology Act, 2000.

2. (i) Every disposed of case record of Anticipatory Bail Application U/s. 438 Cr.P.C. shall be destroyed after expiry of one year from the date of final order.
 - (ii) Every disposed of case record of Bail Application U/s. 439 Cr.P.C. shall be destroyed after expiry of three years from the date of final order.
 - (iii) All other records including paper books shall be destroyed after expiry of five years from the date of final order.
 - (iv) No records referred to above shall be 'destroyed unless it is digitized and verified. In the event, if any part of the file is so fragile that it cannot be digitized; such a file will be preserved forever in a Fragile Record Section.
3. The time limit mentioned in the preceding rule shall be calculated from the date of the final decree or order, which, in cases of appeal to the Supreme Court will be that of the decree or order of Supreme Court respectively.
 4. Before destruction, the documents listed out in the first schedule in The Information Technology Act, 2000 as amended from time to time have to be segregated and preserved in a sealed cover with case number signed by the Registrar (Judicial) or any other person authorized on his behalf in a separate storage space. Simultaneously, notice shall be issued to the concerned Advocate as well as the concerned parties for collecting back such documents.
 5. The conversion of judicial records, books, or papers, in electronic form, shall be carried out from time to time, before their destruction, in accordance with Rule 1, as may be necessary, shall be supervised by such officer as may be appointed by the Chief Justice for the purpose, and authenticated by affixing his or her digital signatures. The detail procedure for conversion, as above, shall be carried in the following manner, namely:-
 - (i) Each case record shall be applied with a barcode sticker so that the data that will be captured from the record will be readable using the barcode reader. Explanation: A barcode is a way to encode information into a visual pattern which can be read by a Bar Code scanner or any other appropriate device. The prescribed meta-data (please see iv below) shall be embedded in the Bar Code in such a way that such data can be retrieved in a readable format by using a Bar Code scanner or other appropriate device.
 - (ii) Each scanned case record shall be indexed in accordance with the indexing parameters of the physical case record in such way that the prescribed software accurately identifies every indexed document available in the scanned record. Illustration: If the index in the physical case record consists of 'order sheet, writ petition, counter, judgment, vakalatnama' then the scanned record should contain a similar index with similar contents which are responsive to the click of a computer mouse so as to directly lead to the page where the relevant documents exists in the case record.

- (iii) Each scanned page shall be converted to PDF/A (Portable Document Format/ Archiving) format in OCR (Optical Character Recognition) mode. Each PDF file shall be segregated according to indexing parameter (order sheet page, annexure page, judgment page & etc) as indicated in point (ii) above.
- (iv) Every scanned case record, whether Civil or Criminal shall be provided with the following meta-data, namely:-
 - (a) Case Number
 - (b) Case Year
 - (c) Case Type
 - (d) Barcode Number
 - (e) Name of Petitioner(s)
 - (f) Name of Petitioner's Advocate
 - (g) Name of Respondent(s)
 - (h) Name of Respondent's Advocate
 - (i) Name of the Judge
 - (j) District Name
 - (k) Date of Disposal
 - (l) Date of Scanning
 - (m) Date of Verification
 - (n) Name of Verifier
- (v) The existence of any of the following documents as specified in Rule 4, shall be entered as Additional Meta Data so that the digitized records containing the said documents can be easily identified for taking steps to return the said documents in the physical form to the concerned parties/advocates -
 - (i) A negotiable instrument (other than a cheque) as defined in section 13 of the Negotiable Instruments Act, 1881 (26 of 1881).
 - (ii) A power-of-attorney as defined in section 1A of the Powers-of-Attorney Act, 1882 (7 of 1882).
 - (iii) A trust as defined in section 3 of the Indian Trust Act, 1882 (2 of 1882).
 - (iv) A will as defined in clause (h) of section 2 of the Indian Succession Act, 1925 (39 of 1925), including any other testamentary disposition by whatever name called.
 - (v) Any contract for the sale or conveyance of immovable property or any interest in such Property.
 - (vi) The agency in charge of scanning the case records shall ensure entry of the above meta data in the software application used for scanning and digitizing case

records. It shall also be the duty of such agency to provide sufficient safeguards to prevent alteration of the meta data once it is verified and the case record is uploaded in the DMS server.

- (vii) The Court shall use the DMS with a secure user ID provided by the scanning team to manage the complete electronic record life cycle such as Creation, Distribution, Usage, Maintenance and Destruction of electronic records. These IDs will be permission specific meaning that basing on the privilege assigned to these IDs, a user can view, download or print but cannot make any changes in the uploaded feed for the sake of the security of the scanned records available in the server.
 - (viii) The agency entrusted with the scanning work shall in consultation with the Court prepare necessary facility for rectification of erroneous data in the server.
 - (ix) The agency entrusted with the work of scanning and digitization shall use necessary technology to ensure that the scanned and digitized documents stored in the server shall remain accessible, readable and printable without affecting the information originally generated, sent and received for posterity. The digitized documents shall be further used for audit purpose as per the Section-7A of the Information Technology (Amendment) Act, 2008.
 - (x) The database containing the digitized records of the Court shall only be accessible in the local area network (LAN) of the Court. It shall be ensured that no portion of the database or the server containing the digitized records of the Court is accessible through internet or to any person in any manner beyond the permission granted in this regard.
 - (xi) While handing over records for digitization it will be ensured that duplicate copies of any part thereof are removed to avoid needless scanning.
6. In respect of the Lower Court Records, the following procedure mentioned as below is to be adopted, namely:
- (i) No original LCR whether in a disposed of or a pending case shall be retained in the High Court. After scanning and verification in the manner provided hereinbefore the original LCR shall be forthwith returned to the Court concerned. Whenever any order requisitioning the LCR is passed hereafter, the concerned Court will only send a scanned and verified copy of such LCR (duly signed digitally, using digital/ electronic signature, by the concerned authority) to the High Court. If, for some reason, the Court concerned is unable to scan and verify the softcopy of such LCR, then the hardcopy of such LCR shall immediately on its receipt in the High Court shall be scanned and verified in the High Court and immediately thereafter be returned to the Court concerned.
 - (ii) In the event, if the Court concerned while hearing a pending matter decides to peruse the original hardcopy of the LCR, then upon an order passed by such Court, the original LCR shall be called for.

- (iii) In a pending matter when the Court so desires, a print out of the softcopy of the LCR shall be placed before the Court.
7. Notwithstanding anything contained in the foregoing rules, in Division Bench cases second copy of brief and in all types of cases, all Miscellaneous cases except relating to amendment of pleadings, intervention, addition of party, taking documents or subsequent events by way of additional evidence, substitution and setting aside abatement, if any, shall be destroyed after disposal of the case.
8. The destruction of all papers shall be carried into effect by the process of cutting with use of shredder or by any other manner as the Court may direct. Such destruction shall be made in presence of the Superintendent in-charge of the Record Room of the Court under the supervision of the Assistant Registrar (Estt.) of the Court.

BY ORDER OF THE CHIEF JUSTICE

SUMAN KUMAR MISHRA
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