

**(Rule Under the Destruction of Records Act, 1873)**

**The 28th December 1891.**

Section 277.- The following rules respecting the disposal of such records, books, and papers belonging to, or being in the custody of, the Courts of the Judicial Commissioners, or the Courts of Criminal Jurisdiction subordinate thereto, as the Judicial Commissioners consider useless and unworthy of being permanently preserved, have been framed by the Judicial Commissioners of Upper and Lower Burma in exercise of the power conferred by section 2 of the Destruction of Records Act, 1879, and have been confirmed by the Chief Commissioner and sanctioned by the Governor-General in Council. They are now published as required by section 5 of the said Act, and supersede Criminal Circulars, section 271:-

**Records of Criminal Trials.**

- I.- Subject to Rules III, IV, and V, the periods for which the Trial records or material portions of criminal cases shall be preserved, and at the end of which they shall be destroyed, shall be as follows:-
- (i) In sessions trials and appeals to the Court of Session, in non-bailable Magistrates' cases or cases in which any of the accused has been convicted of an offence a repetition of which renders the offender liable to whipping or to enhanced punishment, and in all commitment proceedings, **-fourteen years.**
  - (ii) In possession cases under Chapter XII, Code of Criminal Procedure, **-seven years.**
  - (iii) In security cases under Chapter VIII, Code of Criminal Procedure, **-five years.**
  - (iv) In maintenance cases under Chapter XXXVI, Code of Criminal Procedure, **- till the effect of the order has expired.**
  - (v) In (a) all miscellaneous cases not included in clauses (ii), (iii), or (iv) of this Rule, and in (b) Magistrates' bailable cases, **-two years.**
- II. - In all cases the Process record (or non-material portion) shall be preserved **two years and be then destroyed.**
- III. - In cases in which the accused has been acquitted, or in which the accused has been executed under a capital sentence, the record shall be preserved **one years, and be then destroyed.**
- IV. - The following trial records shall not be liable to destruction:-
- (1) Record of any case in which the sentence has not expired.

- (2) Record of evidence taken under section 512, Criminal Procedure Code, or of any case in which it appears on the record that any of the accused or parties to be proceeded against have not been apprehended.

Provided that no record falling under clause (2) of this rule shall be preserved **more than 50 years**.

V. - **Sessions Judges and Magistrates** may at their discretion preserve any particular paper, or the record of any particular case, beyond the above periods.

**Papers other than Records of Cases.**

VI. - Office copies of all periodical statements and periodical statements received from inferior Courts shall be destroyed at the expiration of the following periods:-

- |     |  |     |     |              |
|-----|--|-----|-----|--------------|
| (a) | weekly, monthly, or quarterly statements | ... | ... | one year.    |
| (b) | annual statements                        | ... | ... | seven years. |

Judges and Magistrates must exercise their discretion in preserving reports, returns, and proceedings likely to be useful in the future as containing the result of enquiries or other information, or the opinions of experienced officers on matters connected with the general administration of justice.

**Registers.**

VII. - The periods for which criminal registers shall be preserved and at the end of which they shall be destroyed shall be as follows:-

- |     |  |     |     |               |
|-----|--|-----|-----|---------------|
| (a) | Registers of previous convictions (Criminal No. IX)  | ... | ... | fifty years.  |
| (b) | Registers of sessions cases (Criminal No. V.)  | ... | ... | thirty years. |
| (c) | Magistrates' general registers of cases cognizable by the police                             |     |     |               |
| (d) | Magistrates' registers of bailable and non-bailable cases brought to trial (Criminal No. II) |     |     |               |
| (e) | Registers of miscellaneous cases (Criminal No. III)  | ... | ... |               |
| (f) | Registers of appeals (Criminal No. VI)   | ... | ... |               |
| (g) | Registers of revision cases (Criminal No. VII)   | ... | ... |               |
| (h) | Registers of property in hands of bailiff (Criminal No. X)                                   | ... | ... |               |
|     | All other registers  | ... | ... | three years.  |

**General.**

VIII.- The destruction of all records and papers of the Criminal Courts which is hereby directed shall be carried into effect by burning. The practice of selling them as waste-paper is prohibited. Sessions Judges

and Magistrates must adopt such precautions as will satisfy them that the papers set aside for destruction are not otherwise dealt with.

IX.- The above rules shall be acted on from year to year at the close of each calendar year so that no accumulation beyond the periods prescribed may be allowed.

F. RIPLY  
Registrar.

----- Footnote -----

(1) Paragraph I, material portions = By "material portions" are meant papers bearing on the offence charged and material to elucidate or justify the decision as -

(i) Papers to show how the proceedings were initiated, e.g., petition of complaint or first information to the police.

(ii) Examination of any witness taken on commission.

(iii) Confessions or statements of accused before trial.

(iv) Depositions of witnesses and statement of the accused in the course of the trial.

(v) Finding, sentence, and judgment.

(vi) Security bonds under Chapter VIII, Criminal Procedure Code. Orders remitting sentences conditionally under section 401, and papers connected therewith, such as bail bonds.

(2) January 2nd, 1892, The Burma Gazette, Part IV, Page 3 မှတူယူတင်ပြသည်။