

(Rules for the destruction of Records in the Court of the Recorder of Rangoon, the Court of Small Causes in Rangoon, and the Magistrates' Courts within the local limits of the ordinary Civil Jurisdiction of the Recorder of Rangoon.)

JUDICIAL DEPARTMENT.

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NOTIFICATION.

No.66

RANGOON, SATURDAY, MAY 9TH, 1885.

No.66.- The 7th May 1885.- The following rules, respecting the disposal of such records, books, and papers belonging to, or being in the custody of, the Court of the Recorder of Rangoon, or the Courts of Civil and Criminal Jurisdiction subordinate thereto, as the Recorder considers useless or unworthy of being permanently preserved, have been framed by the Recorder of Rangoon 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:-

Rules for the destruction of Records in the Court of the Recorder of Rangoon, the Court of Small Causes in Rangoon, and the Magistrates' Courts within the local limits of the ordinary Civil Jurisdiction of the Recorder of Rangoon.

1. The Recorder of Rangoon, the First Judge of the Court of Small Causes in Rangoon, and the District Magistrate of Rangoon may from time to time, by orders in writing signed by them, direct the destruction of any records, books, and papers, other than judgments, decrees, or orders, belonging to, or in the custody of, their respective Courts, as they may consider useless or unworthy of being preserved.
2. No such order shall be made regarding records, books, or papers relating to civil matters or suits in the Court of the Recorder, nor regarding records in the Court of Small Causes, unless the matters or suits shall have been finally disposed of, and unless the records, books, or papers shall have been in the custody of the Court for not less than 10 years from the date of the final order. Provided that no order shall be made for (a) the destruction of documents of title relating to immovable property; (b) powers-of-attorney under

which any such document may have been executed; (c) probates and letters-of-administration, or for the destruction of the records in the following classes of suits and proceedings:-

- (i) involving title to immovable property;
- (ii) relating to succession to an office;
- (iii) to establish or set aside an adoption, or otherwise determine the status of an individual;
- (iv) trusts or religious endowments;
- (v) under Acts XXXV and XL of 1858, XXVII of 1860, IX of 1861, X of 1865, and X of 1870;
- (vi) divorce (Act IV of 1869);
- (vii) execution proceedings in suits of any kind by which immovable property was sold, mortgaged, or transferred.

3. No order shall be made for the destruction of the records, books, or papers in cases tried before the Recorder sitting as a High Court for the trial of European British subjects, or as a Court of Session in which the sentence has not expired, or in which any person accused has not been brought to trial, nor until after the expiration of 14 years from the date of decision.
4. No order shall be made for the destruction of the records, books, or papers in-
 - (a) warrant cases tried before Magistrates, or the records in enquiries before Magistrates into cases triable by the Court of the Recorder sitting as a High Court for the trial of European British subjects or as a Court of Session;
 - (b) summons cases tried by Magistrates and in appeals from convictions by subordinate Magistrates; until in the cases mentioned in clause (a) after the expiration of 10 years and in the cases mentioned in clause (b) after the expiration of three years from the date of decision. And in no case shall the charge, sentence, and judgment in the case of a conviction for an offence punishable under Chapter XII or Chapter XVII of the Indian Penal Code be destroyed.
5. In cases where accused persons have not been brought to trial, no order shall be made for the destruction of the records, books, or papers therein until after the expiration of 20 years from the date when complaint was first made to the police.
6. No order should be made for the destruction of the record of a trial of historical or legal interest.
7. The Judge or Magistrate making an order under these rules shall appoint some responsible officer of his Court to superintend the destruction of the records, books, or papers comprised in the order.

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8. The destruction of the records, books, or papers shall be effected by burning the same, care being taken that all court-fee stamps have been duly cancelled.
9. A note of every record destroyed under the above rules shall be made at the time of destruction in the register in which the case is entered under the signature of a responsible officer.

----- Footnote -----

[ပင်ရင်း- ၉.၅.၁၈၈၅ ရက်နေ့ထုတ် ပြန်တမ်းမှူးကူးယူတင်ပြသည်။]