

The Punjab State Information Commission (Destruction of Judicial Records) Office Order 2011

In exercise of the powers conferred by Section 15 (4) of the Right To Information Act, 2005 (22 of 2005) and all other provisions in the Act enabling in this behalf, the Punjab State Information Commission hereby substitute 'The Punjab State Information Commission (Destruction of Judicial Records) Rules 2009' with this Order to regulate the destruction of judicial records of case-files and papers of Complaints and Appeals decided by all Benches of the State Information Commission, Punjab, so as to enable it to regulate the maintenance and destruction of such record.

1. Short title and commencement – (1) This Order may be called Punjab State Information Commission Punjab (Destruction of Judicial Records) Order, 2011.

(2) This shall come into force with effect from January 2011.

2. Definitions - In this order, unless the context otherwise requires,-

(a) —Supervising Officer means an officer (s) appointed as Supervising Officer by Registrar / Deputy Registrar of the Commission, with the approval of Chief Information Commissioner, State Information Commission, Punjab.

(b) —Judicial Record means record pertaining to Complaints or 2nd Appeals filed before the State Information Commission under Section 18 and Section 19 respectively, including all documents, papers, affidavits, reports, replies, rejoinders, submitted or produced or taken on record of the case-file in such Complaint or Appeal cases, as the case may be, and includes any interlocutory

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or final orders passed in such Complaint and Appeal cases and any registers maintained with regard to Complaint / Appeal Cases.

3. Records when treated as having reached completion.

(a) The Judicial record in a case shall be treated as having reached completion on passing of a final order by a Bench of the State Information Commission and its subsequent compliance by the concerned parties or in the event of a Civil Writ Petition having been preferred against the decision of Bench of the Commission in the High Court of Punjab & Haryana / Supreme Court of India, on the date of compliance of final order of the High Court of Punjab & Haryana / Supreme Court of India, as the case may be.

(b) In the case of registers and other papers in the Judicial Branch, the date of completion shall be the date on which the registers were closed and in the case of files and other papers, the date on which the final order was passed thereon.

4. Preparation of index and separation of Parts. – All judicial record, on having reached completion, shall be consigned to record section / record room of the Commission under the charge of Registrar / Deputy-Registrar, latest by 30th December of each year, against a proper receipt.

After receipt of a judicial record in the record section / room, a fresh index will be prepared. All papers will be numbered and entered in the index under the appropriate part to which it belongs, after segregating records into three parts as detailed in Para 9 of this order.

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5. Records when to be taken up for destruction. - All records, registers / case-files of the Complaints or Appeals filed before the State Information Commission under Section 18 or Section 19 of the Act shall be retained in the record room from the date of completion till the expiry of the period prescribed under this order and on expiry of such period these may be destroyed with the approval of the Registrar or Deputy Registrar, if so empowered by the Chief Information Commissioner.

Provided that Registrar of the Commission or the Deputy Registrar of the Commission, if so authorized by Chief Information Commissioner, on a reference from the concerned Commissioner, who decided the Complaint or Appeal, as the case may be, for reasons to be recorded in writing order that any particular paper or the record of any particular case be preserved beyond such period:

Provided further that original record, if filed by any PIO or Public Authority or officer of Government or produced by such officer shall not be destroyed, if not previously reclaimed, but shall invariably be returned to the Public Authority or PIO or the office from which these were produced, on such PIO or Public Authority or office approaching the State Information Commission suo moto or in response to notice under Order 8 of this Order.

6. Supervision of destruction. - The destruction of judicial records and related Registers may be carried out from time to time as may be necessary, under the overall superintendence of the Registrar / Deputy Registrar. However, Registrar

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or the Deputy Registrar, with the approval of the Chief Information Commissioner, may designate one or more senior officers of the Commission to supervise the actual destruction of record, on the spot.

7. Manner of destruction of records.- (i) The destruction of judicial records shall be effected in any of the following manner:- (a) tearing so as to render it unlikely that the documents so torn may be used again : (b) tearing and burning it : (c) destroying with the help of a Paper Shredding Machine. The mode of destruction shall be decided by the Registrar or Deputy Registrar.

(ii) The record, after the Supervising Officer/s has certified that the destruction has rendered such judicial record / register of no value, unless the same is burnt, shall be sold as waste under the orders of the Registrar / Deputy Registrar and proceeds of the sale shall be credited to the relevant receipt Head (0070 other Administrative Service other receipts.)

8. Notice before Destruction of records: - In January each year a notice specifying the judicial record which will be destroyed during the year will be displayed on the Notice Board in the office of the Commission and also displayed on the web-site of the Commission. Unless claimed within 30 days from the date of issuance of notice by the party entitled to claim any part of the Judicial record, destruction of the judicial record mentioned in the notice will ensue. Return of documents to parties will be made under the orders of the Registrar or of Deputy Registrar, if so empowered by the Chief Information Commissioner.

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9. Segregation of Records. - Every judicial record of Second Appeal / Complaint under the Right to Information Act, on its consignment to record room / record section shall be segregated into three parts:

Part- (i) The final order of a Bench of the Commission deciding Second Appeals / Complaints under Section 18 or Section 19 of the Act.

Part- (ii) The record of Case of Second Appeals / Complaints in which an Appeal or Civil Writ Petition is pending in any court of law.

Part-(iii) The record of Complaint or Appeal Cases where a penalty or fine was imposed or compensation was awarded by a Bench of the Commission or in which disciplinary action had been recommended.

10. Period for retention of Parts 1, 2 and 3 of the judicial Record.- All judicial record having reached completion and on consignment to record room / record section under Order 4 of this Order, except the record as listed in the three parts below, shall be preserved for a period of at least five years, where after it may be destroyed as per the procedure laid down in this Order.

Part-I of the Judicial Record shall be preserved for 5 years in original form and electronically on the web-site of the Commission for at least 15 years.

Part-II of the Judicial Record shall be destroyed only after the final decision of appeal or CWP in High Court or Supreme Court, as the case may be and its compliance.

Part –III of the judicial record where a penalty was imposed under Section 20 of

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the Act or compensation was awarded under Section 19 (8) (b) of the Act, shall not be destroyed till such time as the penalty or compensation or fine has been realized or disciplinary action under service rules initiated under Section 20 (2) has attained finality.

Notwithstanding anything contained herein, no judicial record shall be destroyed, even though the period of preservation in this Order may have expired, unless the annual report of the Commission relating to the year to which the record pertains has been placed on the floor of Vidhan Sabha Punjab, as required under Section 25 (4) of the Right to Information Act.

11. Note of destruction to be made in register, etc.- Letter —D with date indicating that a case-file or record consisting of Part 1 or 2 or 3, as the case be, has been destroyed on that date may be made in red Ink in the index of the respective case bundle as well as in the relevant column of the record registrar in which such paper or record is entered.

12. Non- Judicial Record / Registers: Administrative record, and Accounts Registers or any other papers and files maintained for administrative purposes are to be preserved and destroyed only as per provisions contained in the Punjab Financial Rules and instructions issued by State Government from time to time in this record.

13. Notwithstanding anything contained herein so long as an objection is

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outstanding and the Accounts have not been completely checked and accepted in Audit, these and the supporting documents should not be destroyed even though the period of preservation in the Order/PFR may have expired.

14. The period of retention in the record room for any Judicial Record, Judicial / Administrative Registers and papers not specified in this Order shall be decided by the Registrar / Deputy Registrar with the approval of the Chief Information Commissioner