

HIGH COURT OF DELHI: NEW DELHI

NOTIFICATION

No. 38/Rules/DHC

Dated : 02.05.2024

In exercise of the powers conferred by Section 7 of the Delhi High Court Act, 1966 (Act 26 of 1966) read with Section 3 of the Destruction of Records Act, 1917 (4 of 1917) & Article 227 of the Constitution of India and all other powers enabling it in this behalf, the High Court of Delhi, with the prior approval of the Lt. Governor of the Government of National Capital Territory of Delhi, hereby makes the following amendments in Part – F (A) of Chapter 16 of Volume IV of Delhi High Court Rules & Orders : -

AMENDMENTS

THE FOLLOWING SHALL BE INSERTED AS RULES 1A, 1B AND 1C IMMEDIATELY AFTER THE EXISTING RULE 1 OF PART-F (A) OF CHAPTER 16 OF VOLUME IV OF DELHI HIGH COURT RULES & ORDERS :-

“1A **Destruction of Records retained in electronic form** - Notwithstanding any period of preservation prescribed in these Rules, any judicial record, book or paper, except in the cases hereinafter excepted, may be destroyed after being retained in electronic form, in accordance with section 7 of the Information Technology Act, 2000.

Provided that nothing in this rule shall apply to the following documents:-

| Sr. No. | Description of documents |
|---------|--|
| 1. | A negotiable instrument (other than a cheque) as defined in Section 13 of the Negotiable Instrument Act, 1881 (26 of 1881). |
| 2. | A power-of-attorney as defined in Section 1A of the Powers-of-Attorney Act, 1882 (7 of 1882). |
| 3. | A trust as defined in Section 3 of the Indian Trusts Act, 1882 (2 of 1882). |
| 4. | 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. |
| 5. | Any contract for the sale or conveyance of immovable property or any interest in such Property. |

Provided further that documents which are to be preserved permanently as per these rules shall continue to be preserved in physical form notwithstanding their preservation in electronic form.

1B Supervision of conversion of record into electronic form before destruction – 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 1A, as may be necessary and shall be supervised by such officer as may be appointed by the Principal District & Sessions Judge of concerned district for the purpose, and authenticated by affixing his or her digital signatures. It shall be retained in a format which is suitable for digital preservation with full support for future access and such electronic record be kept in temper-proof environment.

1C Retention of electronic record - Such electronic record would be kept in the Record Room of concerned District as well as in the Record Room of one another District of different court complex of Delhi and also at Server situated in a remote city of India as may be decided by High Court of Delhi from time to time.

Exceptions : Following judicial records, book or paper, would not be retained in electronic form :-

- a) Records which are required to be preserved in perpetuity as per Rule 7, Part-F (A) of Chapter-16 of Volume-IV of High Court Rules & Orders.
- b) Record pertaining to all matters related to sexual assault on woman.
- c) Record pertaining to any matter related to Official Secrets Act or any matter related to sovereignty and integrity of Union of India or declared confidential by the court which tried such matter.
- d) Any Valuable Security, Fixed Deposit Receipt and document of similar nature.

Explanation-I : According to section 7 of the Information Technology Act, 2000, where any law provides that documents, records or information shall be retained for any specific period, then, that requirement shall be deemed to have been satisfied if such document, records or information are retained in the electronic form.

Explanation-II : Before destruction of any original record, notice be issued to all concerned to enable any person, entitled to reclaim such document as per Rules, to make any such request for return of the same.

Explanation-III : When any document is retained in electronic form and such document itself is a copy and not original, such fact be clearly mentioned in the electronic record itself at the time of conversion in electronic form.”

NOTE: THESE AMENDMENTS SHALL COME INTO FORCE FROM THE DATE OF THEIR PUBLICATION IN THE GAZETTE.

BY ORDER OF THE COURT

Sd/-
(KANWAL JEET ARORA)
REGISTRAR GENERAL