

## Indexing in Civil and Criminal Cases

**Meaning and purpose of Indexing-** Indexing in relation to a file means indicating its title under appropriate catchwords arranged in their alphabetical order with a view to facilitate its location in the event of need. The Courts create indexes to cross-reference a case file number and case type with the involved parties.

### **Indexing in Civil Cases as per the provisions of General Rules Civil:**

- **Rule 152. Classifications of records.**-There shall be four classes of records; Class I. Class II, Class III and Class IV.  
Miscellaneous judicial cases which belong to  
Class I -Lunacy cases, Guardians and Wards cases. Redemption cases. Trust cases, Land Acquisition cases, and cases under the Legal Practitioners Act.  
Class II- suits relating to movable property. Insolvency cases, Succession Certificate cases. Probate cases, cases of Inter-State Succession and cases under the Companies Act except when immovable property is involved.  
Class III is to be prepared in all suits tried by Courts of Small Causes and other Courts exercising Small Cause powers.  
Class IV is to be prepared in non-judicial cases.
- **Rule 153- Records and files in it.** [Every part of a record shall be sub-divided into files: Record of Class I is to consist of four files marked A-1, A-2, and D; Record of Class II is to consist of 3 files B, C and D; Record of Class III is to consist of one file C; Record of Class IV is to consist of one file D.
- **Rule 155- List of papers to be placed in Files A-1, A-2 or B.**-The following papers shall be placed in file A-1 or A-2 of Part I or file A-1 or A 2 of Part II, as the case may be ( table annexed)
- **Rule 156- Papers forming File C** ( table annexed)
- **Rule 157. Contents of File D** ( table annexed)

**Papers to be placed in the file A-1**

- 1) General Index.
  - 2) Plaint.
  - (3) Any schedule annexed to a plaint.
  - (4) Written statements and additional written statements under Order VIII of the Code.
  - (5) Original documents, including surety bonds and genealogical tables.
  - (6) Final order or judgment.
  - (7) Decree, including decree under Section 47.
  - (8) In mortgage cases, the order absolute after decree, and under Order XXXI V of the Code in cases decided ex parte.
  - (9) Award of Arbitrators, petition of compromise, Commissioner's map referred to in decree, and statement recording confession of Judgment.
  - (10) Memorandum of appeal, objection, judgment and decree in first appeal; and certified copy of every judgment, decree and order forwarded by the High Court.
  - (11) Receipt or acknowledgement of satisfaction of decree. (12) Order in execution declaring decree to be fully satisfied or to be incapable of execution.
  - (13) Acknowledgment of receipt of possession.
  - (14) Court copy of certificate of sale. When immovable property is sold in execution of a decree of order, the following papers shall also be placed in File A-1.
  - (15) Order for sale.
  - (16) Court copy of certificate of sale.
  - (17) Surety bond, if any, given by the owner of the property sold
- Note.-The above paper Nos. 1 to 17 shall be kept in File B if the record belongs to Class II and File C if the record belongs to Class II

**Papers to be placed in File A-2**

- (1) Order sheet.
- (2) Orders under Order I. Rules 8 to 10 and Order XLI, Rule 20 of the Code.
- (3) Authority under Order 1. Rule 12.
- (4) Order granting leave under Order II. Rule 2(3).
- (5) Summons, notice or order to the defendant or respondent with return of service thereon when their service is personal or held sufficient.
- (6) Orders under Order IX. Rules 9 and 13, and Order XLI, Rules 19 and 21
- (7) Examination under Order X of the Code, including record of admission and denials by parties under Rule 1.
- (8) Evidence on memorandum of evidence under Order XVIII, Rules 5 and 8.
- (9) Evidence on the issues taken by affidavits.
- (10) Application and order under Order XXI. Rule 16.
- (11) Order for sale of immovable property of a surety other party to the suit.
- (12) Final order under Order XXI, Rules [58], 92, 99 and 101.
- (13) Order under Orders XXII, XXXI, XXXII and XLVII of the Code.
- (14) Authority under Order XXVIII, Rule 1.
- (15) Accounts filed in cases under Act No. VIII of 1890.
- (16) Judge's notes.
- (17) Any other papers which the Presiding Judge may, for reasons to be recorded in writing, order to be placed in File A-2.

Note-The above paper Nos. 1 to 16 are to be kept in File B if the record belongs to Class II and in File C if the record belong to Class III

**Rule 156. Papers forming File C.**

(1) In suits tried by a Court of Small Causes or by any other Court in exercise of the jurisdiction of a Court of Small Causes, and in all other cases not otherwise provided for in these rules, File A, B or D shall not be maintained; and in such suits and cases all papers shall be placed in File C of Part I or File C of Part II, as the case may be.

(2) In File C of records of Classes I and II shall be placed all papers which have not been under these rules directed to be placed in File A-1, A-2, B or D. The File C in such records shall be sub-divided into File C-1 and C-2.

In File C-1 shall be placed only the papers of proof filed by the parties and the lists of documents (Form No. Part IV-7 1);

In File C-2 shall be placed the other papers pertaining to File C.

**Rule 157. Contents of File D.**

File D of Part I or Part II, as the case may be, shall consist of

1. all unserved summonses, all processes and returns thereto, other than those mentioned in Rule 155,
  2. all lists of witnesses, of petitions relating to the attendance of or the summoning of parties and witnesses,
  3. the publishing of summonses and notices in newspaper.
  4. adjournments.
  5. precepts
  6. affidavits relating to matters in this rule
  7. petitions for inspection of records
  8. tenders for diet money
  9. copying charges of maps, etc.
  10. petty receipts No. 43 of postal receipt
  11. certified copies of judgments and decrees forwarded by an appellate Court other than the High Court, under Order XLI. Rule 37 of the Code
  12. reports from ministerial officers
  13. applications for leave or applications from candidates for employment
  14. any other proceedings, reports and applications not relating to particular suits or cases.
- Note-The following papers shall also be placed in File D of Part I or II- Order to the Nazir to have an order issued to arbitrators, Letter from heads of departments to whom summonses are sent for service to their subordinates, Copies of plaint (returned unserved), Applications by witnesses paying for more diet money than has been paid to them or asking to be executed from attendance

**Indexing in Criminal Cases as per General Rule Criminal:**

**Rule 25.** Form of record.-All [affidavits], pleadings, applications and petitions of whatever nature except those presented by a prisoner or other person in duress or under restraint of any court or its officers, filed in the course of a criminal judicial proceeding shall be fairly and legibly written or type written on Government water-marked paper.

**Rule 29- File A and B in records.** Every paper as it is brought on to the record shall be marked as belonging to either file A and B. All the papers relating to each file shall be kept stitched.

**File A shall include the following paper, namely:**

- (1) Record of statement or confession (Section 164) plea (Section [228, 229] and examination (Sections 213 and 281).]
- (2) Proceedings on which cognizance was first taken, police report, (Section 90).
- (3) Charge and altered charge, if any.
- (4) Order consenting to withdrawal or stay of charge
- (5) Sentence.
- (6) Record in summary trial.
- (7) Record of proceedings under Section [236].
- (8) Record of composition of an offence [Section [320].
- (9) Record of evidence.
- (10) Judgment.
- (11) Copy of court's order regarding a sentence of death (Section [371])
- (12) Warrant or other paper returned on execution of sentence.
- (13) Copy of order commuting a sentence or suspending the execution thereof, or remitting punishment.
- (14) Petition of appeal or application for revision. (15) Copy of judgment or order in appeal or revision.
- (16) Certificate of judgment or order in appeal in revision.
- (17) Commission with return thereto and deposition. (18) Deposition of medical witness.
- (19) Report of Chemical Examiner.
- (20) Proof of previous conviction.
- (21) Order for disposal of property (Chapter XXXIV).
- (22) Order of transfer.
- (23) Order sheet.
- (24) General index.
- (25) Treasury receipt.
- (26) File of exhibits including indices of exhibits.
- (27) Bonds under sections 106, 107, 108, 109 and 110 of the Code and Section 4 of Probation of Offenders]
- (28) Papers relating to identification of the accused person in jail or elsewhere.
- (29) Papers relating to identification of stolen property.
- (30) Map of the locality placed on the file of a case.

**File B shall include every other paper** in the record unless, for reasons to be stated thereon in the writing, the court orders any such paper to be placed in file A.

### Purpose of Indexing-

The purpose of Indexing is not just to facilitate the court during the proceedings but it further plays an important role in preservation and destruction of files

### **Civil Cases : Rule 196, General Rules (Civil). Preservation and destruction of files.**

(1) **File A-1** shall be permanently preserved except in cases under the following Acts when the papers shall be destroyed after the expiration of the period shown against each:

(a) **Act XXXIX of 1925-20 years.**

(b) **Act VIII of 1890-36 years.**

(2) **File A-2** shall be destroyed at the end of 30 years from the date of institution of the original suit or case.

(3) **File B** shall be destroyed at the end of 20 years from the date of institution of the original suit or case, except in cases under the Provincial Insolvency Act, where the file shall be destroyed after 12 years from the date of the grant of discharge, or where no order of discharge has been passed from the date of last order passed in the case.

(4) **File C** shall be destroyed at the end of 15 years from the date of institution of the original suit or case, except that:

(a) in cases under **the Provincial Insolvency Act**, the file shall be destroyed after 12 years from the date of the grant of discharge. or, where no order of discharge has been passed from the date of the last order passed in the case; and (b) in cases affected by **Section 5 of the Temporary Postponement of Execution of Decrees Act** (Act X of 1937) the file shall be destroyed after 18 years.

(5) **File D**, whether of Part I or Part II shall be destroyed at the end of three years from the date of institution of the original suit or case.

**Note** - Appellate Court shall, as soon as an appeal is presented, send intimation thereof to the Court against whose decree the appeal has been filed, and on receipt of such information, the Presiding Officer of such Court shall forthwith issue instructions to the record-keeper not to weed out any paper so long as the appeal is not finally disposed of. File D in the record of any miscellaneous case not relating to a suit or other case shall be destroyed at the end of one year from the date of final order.

**Criminal: Rule 118, General Rules ( Criminal). Destruction of paper.**-The entire record in Class I shall be destroyed upon the expiration of one year, file B in Classes II and III upon the expiration of two years and file A in Class II upon the expiration of five years reckoning from the 30th June or the 31 December next following the order disposing of the case.

**File A in Class III** shall be destroyed upon the expiration-

a) of ten years in a case under Section 108 of the Code and in a case tried by a Court of Sessions or by a Magistrate, in exercise of the powers granted to him under Section 30 of the Code except that (i) in every case **the judgment of final order of the Session Judge or Magistrate shall be retained for 50 years;** and

(ii) **in a case in which a conviction was had under Chapter VI of the Indian Penal Code**, the whole of file. **A shall be retained for 50 years:** Provided that in cases tried by a Sessions Judge in which **punishment awarded is more than seven years' rigorous imprisonment special orders of the Sessions Judge** shall be obtained in each case before destroying the A of Class III after 10 years;

(b) **of five years in other cases;** except that in every case the judgment or final order of the Sessions Judge or Magistrate in cases in which the offence proved is an offence punishable under Chapter XII or Chapter XVII of the Indian Penal code with imprisonment of either description for a term of three years and upwards shall be retained for 50 years.