

THE



Bombay Government Gazette.

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Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART VI.

BILLS OF THE GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 16th October 1878, and was referred to a Select Committee:—

Bill No. 9 of 1878.

A Bill to authorize the destruction of useless Records in Courts in British India.

Whereas it is expedient to empower the High Courts throughout British India to destroy or otherwise dispose of useless records, books and papers belonging to or being in such High Courts, or in the Courts subordinate thereto; It is hereby enacted as follows:—

1. This Act may be called "The Destruction of Records Act, 1878": it extends to the whole of British India; and it shall come into force at once.
2. Bombay Act No. VI. of 1865 (to authorize the Destruction of Useless Records in certain Courts of the Bombay Presidency) and the last twenty-eight words of section

eight, clause (c), of the Central Provinces Laws Act, 1875, shall be repealed.

In section thirty-nine, clause (c), of the Oudh Laws Act, 1876, between XVIII. of 1876, Section 39. the word "such" and the word "records" the word "revenue" shall be inserted.

3. The High Court may, from time to time, make rules respecting the disposal, by destruction or otherwise, of such records, books and papers belonging to or being in the custody of such High Court, or the Courts subordinate thereto, as the High Court may consider useless or unworthy of being permanently preserved.

So far as regards his own Court and the Court of Small Causes in Rangoon, the Recorder of Rangoon shall, for the purposes of this section, be deemed to be a High Court.

4. The High Courts of Judicature at Fort William, Madras and Bombay may respectively make rules respecting the disposal of records, books and papers belonging to or being in the custody of the Courts for the relief of Insolvent Debtors held under the provisions of the eleventh and twelfth of Victoria, chapter twenty-one, in the towns of Calcutta, Madras and Bombay.

5. All rules made under this Act shall be submitted for sanction to the Local Government and, on receiving such sanction, shall be published in the official Gazette, and shall thereupon have the force of law.

6. All rules and orders hitherto made which would have been valid had they been made under this Act shall be deemed to have had the force of law from the date on which they were made, and shall continue to have such force until they are rescinded by rules made under this Act; and no suit or other proceeding shall be maintained or continued against any person for the disposal by destruction or otherwise of any records, books or papers in accordance with any such rules or orders.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill (which owes its origin to a difficulty felt in the High Court at Bombay) is to give the various High Courts power to dispose of the masses of useless records which, from day to day, are accumulating in these Courts and in the Courts subordinate to them. Legislation is necessary to give this power, as the documents

proposed to be destroyed are, in some cases at all events, private property. The various local legislatures might no doubt provide for the Courts within their territories respectively; but as there would still remain certain Provinces for which none of those legislatures could provide, and as it seems desirable to have one general law applicable to the whole of India, the Government of India have taken the subject into their own hands.

In addition to the power given to the High Courts to make rules for themselves and the Courts subordinate to them, the High Courts at Calcutta, Madras and Bombay have been empowered to make rules in the case of the Courts for the relief of insolvent debtors in these towns respectively; for the latter Courts, as at present constituted, are neither divisions of the High Courts nor Courts subordinate to the High Courts, though presided over by judges of the High Court, and subject to rules and regulations made by that Court.

(Signed) WHITLEY STOKES.

SIMLA;

The 20th September 1878.

D. FITZPATRICK,
Secy. to the Govt. of India,
Legislative Department.

8-11-78
J.H.V.

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