

MONOPOLIES AND RESTRICTIVE TRADE PRACTICES COMMISSION (DESTRUCTION OF RECORDS) RULES, 1984

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MONOPOLIES AND RESTRICTIVE TRADE PRACTICES COMMISSION (DESTRUCTION OF RECORDS) RULES, 1984

In exercise of the powers conferred by section 3 of the Destruction of Records Act, 1917 (5 of 1917), the Central Government hereby makes the following rules, namely :-

1. Short title and commencement :-

(1) These rules may be called the Monopolies and Restrictive Trade Practices Commission (Destruction of Records) Rules, 1984.

(2) They shall come into force on the date¹ of their publication in the Official Gazette.

1. 17-3-1984.

2. Definitions :-

In these rules, unless the context otherwise requires-

(a) "Act" means the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969).

(b) "Applications" means an application made to the Central Government under the said Act.

(c) "Comission" means the Monopolies and Restrictive Trade Practices Commission constituted under section 5 of the Act.

(d) "Registrar" means the Registrar of Restrictive Trade Agreements appointed under section 34 of the Act.

(e) "Officer" means the Administrative Officer of the Commission.

(f) "Secretary" means the Secretary of the Commission.

(g) "Order" means an order passed by the Commission under the Act.

(h) "Undertaking" means an undertaking for the purposes of the Act.

3. Preservation of records :-

The records specified in column (2) of the table in relation to the subject-matters specified therein shall be preserved for the periods specified in column (3) of the table, namely:- section 10 , rules 21 , rules 22 , rules 23 , rules 27 , rules 31 and rules 61 of the Act \ 25 Years 3. Application for exemption from the Registrar \ 25 Years 4. Cases where enquiries are instituted (Complaints file) \ 25 Years 5. Application from Registrar for obtaining information under section 42(4) of the Act \ 25 Years 6. Files relating to court matters \ 25 years 7. Cases where studies are undertaken (Complaints file) \ 10 Years 8. Studies on Monopolistic Trade Practices \ 10 Years 9. Important matters-Misc. files \ 10 Years 10. Annual Reports of the Commission \ 5 Years 11. Cases where no action is called for (Complaints file) \ 5 Years 12. Orders made by the Central Government under section 21 , rules 22 and rules 23 of the Act \ 5 Years 13. Collection of general information \ 5 Years 14. Routine matters-Misc. file \ 5 Years 15. Lists of undertakings registered/cancelled under section 26 of the Act \ 3 Years

4. Destruction of records :-

The records referred to at Sl. Nos. 7 to 15 of the table in rule 3 may be destroyed after expiry of the periods of their preservation is specified in that rule and no such record shall be destroyed except after obtaining the previous orders in writing of the Secretary of the Commission. However, the records mentioned at Sl. Nos. 1 to 6 of the table which are to be preserved for a period of 25 years shall not be destroyed by the Commission after the expiry of the said period unless the officers of the National Archives of India and the Commission have jointly reviewed them and agreed for their destruction.

5. Record of documents destroyed to be maintained :-

The Administrative Officer shall maintain a register in the form set out in the appendix annexed hereto, where he shall enter in brief particulars of the records destroyed and shall certify under his own hand therein the date and mode of their destruction, which has

been approved by the Secretary.

6. Application of other rules not barred :-

The provisions of these rules shall be in addition to, and not in derogation of, the rules for the destruction of office records connected with the accounts (contained in Appendix 17 of the Compilation of the General Financial Rules.)