

## **PUBLIC RECORDS ACT, 1993**

**69 of 1993**

**[21st December, 1993]**

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The creation, maintenance and retirement of and access to the public records of the Central Government, Union territory Administrations, public sector undertakings, statutory bodies and corporations and commissions and committees of the Central Government or the Union territory Administrations are at present governed by executive instructions. Since such instructions are subject to change without any notice, they affect the functioning of

that Government, Union territory Administrations and statutory, bodies, etc., as also the presentation of facts of history in their proper perspective. It is proposed to provide legal cover for the responsibilities of the record creating agencies and the archives with respect to the arrangement, management, custody, disposal, deposit and preservation of and access to the public records so that our public records are not only authentic but also throw light on many grey areas of our history. 2. It is also proposed to constitute the Archival Advisory Board to advise the Government on matters relating to the public records and proper administration of the provisions of the Bill. 3. The Bill seeks to achieve the above objects -Gaz. of Ind., 20-8-92, Pt. II, S. 2, Ext., p. 30 (No. 54).

### **1. Short title and commencement :-**

(2) It shall come into force on such date" as the Central Government may, by notification in the Official Gazette, appoint.

### **2. Definitions :-**

In this Act, unless the context otherwise requires,-

(b) "Director General" means the Director General of Archives appointed by the Central Govern- ment and includes any officer authorised by that Government to perform the duties of the Director General;

(c) "head of the Archives" means a person holding the charge of the Archives of the Union territory Administration;

(d) "prescribed" means prescribed by rules made under this Act;

### **3. Power of the Central Government to co-ordinate, regulate and supervise operations con- nected with administration, management, etc., of public records :-**

(1) The Central Government shall have the power to co-ordinate, regulate and supervise the operations connected with the adminis- tration, management, preservation, selection, disposal and retirement of public records under this Act.

### **4. Prohibition against taking of public records out of India :-**

No person shall take or cause to be taken out of India any public records without the prior approval of the Central Government : Provided that no such prior approval shall be required if any public records are taken or sent out of India for any official purpose.

## **5. Records officer :-**

(1) Every records creating agency shall nominate one of its officers as records officer to discharge the functions under this Act.

(2) Every records creating agency may set up such number of record rooms in such places as it deems fit and shall place each record room under the charge of a records officer.

## **6. Responsibilities of records officer :-**

### **7. Records officer to take appropriate action in the event of unauthorised removal, destruction, etc., of public records in his custody :-**

(1) The records officer shall, in the event of any unauthorised removal, destruction, defacement or alteration of any public records under his charge, forthwith take appropriate action for the recovery or restoration of such public records.

(2) The records officer shall submit a report in writing to the Director General or, as the case may be, the head of the Archives without any delay on any information about any unauthorised removal, destruction, defacement or alteration of any public records under his charge and about the action initiated by him and shall take action as he may deem necessary subject to the directions, if any, given by the Director General or, as the case may be, head of the Archives.

(3) The records officer may seek assistance from any government officer or any other person for the purpose of recovery or restoration of public records and such officer or person shall render all assistance to the records officer.

## **8. Destruction or disposal of public records :-**

(1) Save as otherwise provided in any law for the time being in force, no public record shall be destroyed or otherwise disposed of except in such manner and subject to such conditions as may be prescribed.

(2) No record created before the year 1982 shall be destroyed except where in the opinion of the Director General or, as the case may be, the head of the Archives, it is so defaced or is in such condition that it cannot be put to any archival use.

## **9. Penalty for contraventions :-**

Whoever contravenes any of the provisions of section 4 or section 8 shall be punishable with imprisonment for a term which may extend to five years or with fine which may extend to ten thousand rupees or with both.

**10. Public records bearing security classification :-**

No public records bearing security classification shall be transferred to the National Archives of India or the Archives of the Union territory.

**11. Receipt of records from private sources :-**

(1) The National Archives of India or the Archives of the Union territory may accept any record of historical or national importance from any private source by way of gift, purchase or otherwise.

(2) The National Archives of India or, as the case may be, the Archives of any Union territory may, in such manner and subject to such conditions as may be prescribed, make any record referred to in sub-section ( 1 ) available to any bona fide research scholar.

**12. Access to public records :-**

(2) Any records creating agency may grant to any person access to any public record in its custody in such manner and subject to such conditions as may be prescribed.

**13. Archival Advisory Board :-**

(1) The Central Government may, by notification in the Official Gazette, constitute an Archival Advisory Board for the purposes of this Act.

(3) The members nominated under clause (d) of sub-section (2) shall be paid such allowances as may be prescribed.

**14. Functions of the Board :-**

The Board shall perform the following functions, namely :-

(a) advise the Central Government and Union territory Administrations on matters concerning the administration, management, conservation and use of public records:

(b) lay down guidelines for training of Archivists:

(c) give directions for acquisition of records from private custody;

(d) deal with such other matters as may be prescribed.

**15. Power of the Director General to lay down norms and standards for courses in archival science :-**

The Director General shall have the power to lay down norms and standards for courses curricula, assessment and examinations relating to the training in archival science and other ancillary subjects.

**16. Protection of action taken in good faith :-**

No suit, prosecution or other legal proceedings shall lie against any person in respect of anything which is in good faith done or intended to be done in pursuance of this Act or the rules made thereunder.

**17. Power to make rules :-**

(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

**18. Laying of rules before Parliament :-**

Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.