

Public Records Rules, 1997

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Public Records Rules, 1997

Ministry of Human Resource Development (Deptt. of Culture), Noti. No. G.S.R. 43, dated January 9, 1997, published in the Gazette of India, Extra., Part II, Section 3(i), dated 18th January, 1997, pp. 734-740, No. 3 [No. F. 16-2/94-RM] In exercise of the powers conferred by sub-section (1) of Section 17 of the Public Records Act, 1993 (69 of 1993), the Central Government hereby makes the following rules, namely :-

1. Short title and commencement :-

- (1) These rules may be called the Public Records Rules, 1997.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions :-

In these rules, unless the context otherwise requires,-

- (a) "Act" means the Public Records Act, 1993 (69 of 1993):
- (b) "appraisal" means the evaluation of public records in association with the National Archives of India or Archives of Union Territory as the case may be;
- (c) "classified records" means the files relating to the public records

classified as top-secret, secret confidential and restricted in accordance with the procedure laid down in the Manual of Departmental Security Instructions circulated by the Ministry of Home Affairs from time to time;

(d) "custody" means the possession of public records;

(e) "defunct body" means a corporate or non-corporate body which has been wound up with no successor to carry on its functions;

(f) "file" means a collection of papers relating to downgrade the security classifications after their evaluation;

(g) "file" means a collection of papers relating to the public records on a specific subject-matter consisting of correspondence, notes and appendix thereto and assigned with a file number;

(h) "form" means the form appended to these rules;

(i) "private records" means records lying in the possession of a private individual or with any non-governmental organisation;

(j) "recording" means the process of closing a file after action on all issues considered thereon has been completed;

(l) "retention Schedule of records" means a Schedule which provides the period of retention;

(m) "review" means periodical evaluation of recorded files on the expiry of the period of retention for determining their further retention or destruction, as the case may be

;

(n) "Section" means the section of the Act;

(o) "Standing guard file" means a compilation of papers on a particular subject-matter consisting of copies of policy decisions, orders, instructions or any other matter incidental thereto arranged in a chronological order;

(p) Words and expressions used herein and not defined but defined in the Act, shall have the meanings respectively assigned to them in the Act.

3. Nomination of records officer :-

The records creating agency shall by an office order issued in pursuance of the provisions of sub-section (1) of Section 5 of the

Act nominate one of its officers, not below the rank or grade of a Section Officer, as the Records Officer. A copy of such office order shall be forwarded to the Director General or Head of the Archives, as the case may be.

4. Maintenance of standing guard file :-

The records officer shall be responsible for maintaining and keeping a standing guard file and proper record of the directions issued by the Director General or Head of the Archives, as the case may be, in pursuance of the provisions of sub-section (2) of Section 6 and shall produce the same for inspection as and when required by the Director General or Head of the Archives, as the case may be.

5. Acceptance of public records of permanent nature :-

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-(I) The Director General or Head of the Archives, as the case may be, shall accept for deposit and preservation the public records of permanent nature which have been retained after recording by the records creating agency in its records room for the last twenty five years or more.

(2) Records Officer shall intimate to the Director General or Head of the Archives, as the case may be, each year before 31st day of January, in Form-1, the particulars of all public records of permanent nature which are due for appraisal during the year.

(3) On receipt of an intimation under sub-rule (2), the Director General or Head of the Archives, as the case may be, through his officers, shall assist the Records Officer in conducting the appraisal of public records. When the appraisal is over, the Records Officer shall prepare, in triplicate, a transfer list in Form-2 of all public records and deposit the same for preservation with the Director General or Head of the Archives, as the case may be, who shall after his satisfaction, return one copy of the transfer list to the Records Officer as a receipt of the public records.

(4) If the Records Officer after appraisal deems it necessary to retain any record or file of permanent nature beyond the period of twenty five years, he may do so for reasons to be recorded in writing and under intimation to the Director General or Head of the Archives, as the case may be.

6. Withdrawal of public records :-

(1) If public records deposited and preserved with the Director General or Head of the Archives, as the case may be, is required by the records creating agency for any official purpose, then the records officer shall send a duly signed and stamped requisition slip in Form-3 to the Director General or Head of the Archives, as the case may be.

(2) The public records requisitioned under sub-rule (1) may be returned as soon as the purpose is achieved but shall not be retained beyond the period of six months by the Records Officer or the record creating agency.

7. Down-grading of classified records :-

(1) The records creating agency shall by an office order authorise an officer not below the rank of the Under Secretary to the Government of India to evaluate and downgrade the classified records being maintained by it. A copy of such office order shall be forwarded to the Director General or Head of the Archives, as the case may be.

(2) The officer so authorised under sub-rule (1) shall evaluate the classified records every fifth year for the purpose of down-grading.

(3) After down-grading if the officer declares any record as of permanent nature, the same shall be deposited and preserved with the Director General or Head of the Archives, as the case may be, after its appraisal.

(5) Every year in the last week of June and December, a half-yearly statement in Form 4 shall be furnished by the officer authorised under sub-rule (1) to the Director General or Head of the Archives, as the case may be, on the action taken for evaluation and downgrading the classified records.

8. Submission of Annual Report :-

(2) The Director General or Head of the Archives, as the case may be, shall, thereafter, submit a report to the Government in the Ministry of Human Resource Development every year on the action taken by the Records Officer in pursuance to the provisions of clauses (a) to (1) of sub-section (1) of Section 6 of the Act.

9. Destruction of Public Records :-

(1) No public record shall be destroyed without being recorded and

reviewed. In the month of January every year, each records creating agency shall record after consulting the records retention Schedule all those files on which action has been completed. This work shall be accomplished in consultation with the Records Officer.

(2) No public record which is more than twenty five years old shall be destroyed by any records creating agency unless it is appraised.

(3) A list of all such public records which are proposed to be destroyed shall be prepared by the record creating agency in Form 6 and retained permanently for future reference.

(4) The Records Officer shall furnish a half yearly report in Form 7 on recording, indexing, reviewing and weeding of records to the Director General or Head of the Archives, as the case may be.

(5) Records shall be destroyed either by burning or shredding in the presence of Records Officer.

10. Access to private records :-

(1) Records acquired from private sources by way of gift or purchase or otherwise shall be made available for bona fide research subject to the conditions laid down by the donor.

(2) Research scholar shall submit an application in Form 8 to the Director General or Head of the Archives, as the case may be, for permission to consult records. The Director General or Head of the Archives, as the case may be, may refuse such permission in public interest and for reasons to be recorded on the said application.

(3) Whether microfilm rolls may be available, the original records shall not be supplied for consultation to research scholars. No copy of any record shall be made by any one without the prior permission of the Director General or Head of the Archives, as the case may be.

11. Access to public records :-

12. Allowances to the members of the Archival Advisory Board :-

The members of the Archival Advisory Board nominated by the Central Government under clause (d) of sub-section (2) of Section 13 shall draw travelling allowance and daily allowance for attending the meetings of the Archival Advisory Board at the rates admissible to Group 'A' officers of the Central Government.

