

DESTRUCTION OF RECORDS ACT, 1917

5 of 1917

[28th February, 1917.]

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DESTRUCTION OF RECORDS ACT, 1917

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"In present conditions documents are required to be placed in the custody of Government officers under a large number of enactments. In many of these Acts no provision exists for the destruction of such of them as have become valueless. For example, there is no provision for the destruction of documents lodged with the Registrar of Joint Stock Companies under Registration of Societies Act, 1860, Provident Insurance Societies Act, 1912, Indian Life Assurance Companies Act, 1912, and Companies Act, 1913; nor could such papers be dealt with under Destruction of Records Act, 1879, as it stands. It is accordingly proposed to repeal and re-enact the Act of 1879 so as to make it conform to modern requirements. The principal feature of the draft Bill is that it empowers certain authorities to frame rules for the disposal by destruction or otherwise of documents which they may consider not of sufficient public value to justify preservation, and provides for the delegation to subordinate officers of the rule-making powers vested in the Local Government. The rule-making powers already vested in the High Courts and the Chief Controlling

Revenue authorities by Act 3 of 1879 will not be affected by this Bill. To avoid overlapping, it is proposed to repeal the provisions of the enactments mentioned in the Schedule."- Gazette of India, 1917, part V, p.2.

1. Short title, extent :-

This Act may be called the Destruction of Records Act, 1917 .¹[It extends to the whole of India except ² [the territories which immediately before the 1st November, 1956 were comprised in Part B States.].]

1. Inserted by A.L.O., 1950.

2. Substituted for "Part B States" by 3 A.L.O., 1956.

2. Definitions :-

Repealed by A.O., 1937.]

3. Power to certain authorities to make rules for disposal of documents :-

(1) The authorities hereinafter specified may, from time to time, make rules for the disposal, by destruction or otherwise, of such documents as are, in the opinion of the authority making the rules, not of sufficient public value to justify their preservation,

(2) The authorities shall be- -

(a) in the case of documents in the possession or custody of a High Court or of the Courts of civil or criminal jurisdiction subordinate thereto,- the High Court;

(b) in the case of documents in the possession or custody of Revenue Courts and officers,-the Chief Controlling Revenue authority ¹, and

(c) in the case of documents in the possession or custody of any other public officer,- ²

(i) if the documents relate to purposes of a ³[State,] the ³[State Government] or any officer specially authorized in that behalf by that Government;

(ii) in any other case, the Central Government or an officer specially authorized in that behalf by that Government.]

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[(3) Rules made under this section by any High Court or by a Chief

Controlling Revenue authority ¹ or by an officer specially authorized in that behalf by any ³ [State Government] shall be subject to the previous approval of the ³ [State Government]; and rules made by an officer specially authorized ⁹ in that behalf by the Central Government shall be subject to the previous approval of the Central Government.]

1. For definition of Chief Controlling Revenue Authority, formerly included in S. 2, see now the General Clauses Act, 1897 (10 of 1897), Section 3(10).

2. Substituted for "the Local Government or any officer specially authorized in that behalf by the Local Government" by A.O., 1937.

3. Substituted for "Province" and "Provincial Government" by A.L.O., 1950.

5. Substituted for original sub-section by A.O., 1937.

9. For Disposal of Records (in the Offices of Registrars of Companies) Rules, 1957, see Gazette of India, 1957, Pt. II, S. 3, p. 1839 (amended by G.S.R. 356 of 1962) and for Destruction of Records (Public Debt Office) Rules, 1959, see Gazette of India, 1-8-1959, Pt. II, S. 3(ii), p. 1866. For Central Administrative Tribunal (Destruction of Records) Rules, 1990-See Gaz. of Ind., 20-12-90, Pt. II, S. 3(ii), p. 5639.

4. Validation of former rules for disposal of documents :-

All rules and orders directing or authorizing the destruction or other disposal of documents in the possession or custody of any public officer, heretofore made by ¹ [State Government], or with the approval of the ¹ [State Government] by any authority not empowered to make such rules under Destruction of Records Act, 1879, shall be deemed to have had the force of law from the date on which they were made, and all such rules and orders now in force shall continue to have the force of law until they are superseded by rules made under this act.

1. Substituted for 'Provincial Government' by A.L.O., 1950.

5. Saving of certain documents :-

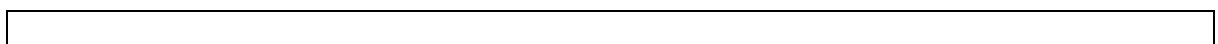
Nothing in this Act shall be deemed to authorize the destruction of any document which, under the provisions of any law for the time being in force, is to be kept and maintained.

6. Repeals :-

Repealed by the Repealing Act, 1927 (12 of 1927).]

SCHEDULE 1

Repeals of Enactments



~~. [Repealed by the Repealing Act, 1927 (12 of 1927), S. 2 and Schedule.]~~