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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS

(Legislative Department)

New Delhi, the 22nd December, 1993/Pausa 1, 1915 (Saka)

The following Act of Parliament received the assent of the President on the 21st December, 1993, and is hereby published for general information:—

THE PUBLIC RECORDS ACT, 1993

No. 69 OF 1993

[*22nd December, 1993.*]

An Act to regulate the management, administration and preservation of public records of the Central Government, Union territory Administrations, public sector undertakings, statutory bodies and corporations, commissions and committees constituted by the Central Government or a Union territory Administration and matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Public Records Act, 1993.

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

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "Board" means the Archival Advisory Board constituted under sub-section (*1*) of section 13;

(*b*) "Director General" means the Director General of Archives appointed by the Central Government 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;

(*e*) "public records" includes—

(*i*) any document, manuscript and file;

(*ii*) any microfilm, microfiche and facsimile copy of a document;

(*iii*) any reproduction of image or images embodied in such microfilm (whether enlarged or not); and

(*iv*) any other material produced by a computer or by any other device,

of any records creating agency;

(*f*) records creating agency includes,—

(*i*) in relation to the Central Government, any ministry, department or office of that Government;

(*ii*) in relation to any statutory body or corporation wholly or substantially controlled or financed by the Central Government or commission or any committee constituted by that Government, the offices of the said body, corporation, commission or committee;

(*iii*) in relation to a Union territory Administration, any department or office of that Administration;

(*iv*) in relation to any statutory body or corporation wholly or substantially controlled or financed by Union territory Administration or commission or any committee constituted by that Administration, the offices of the said body, corporation, commission or committee;

(*g*) "records officer" means the officer nominated by the records creating agency under sub-section (*1*) of section 5.

Power of the Central Government to coordinate, regulate and supervise operations connected with administration, management, etc., of public records.

3. (*1*) The Central Government shall have the power to coordinate, regulate and supervise the operations connected with the administration, management, preservation, selection, disposal and retirement of public records under this Act.

(*2*) The Central Government in relation to the public records of the records creating agencies specified in sub-clauses (*i*) and (*ii*) of clause (*f*) of section 2 and the Union territory Administration in relation to the public records of the records creating agencies specified in sub-clauses (*iii*) and (*iv*) of the said clause, may, by order, authorise the Director General or the head of the Archives, as the case may be, subject to such conditions as may be specified in the order, to carry out all or any of the following functions, namely:—

(*a*) supervision, management and control of the Archives;

(*b*) acceptance for deposit of public records of permanent nature after such period as may be prescribed;

(*c*) custody, use and withdrawal of publis records:

(*d*) arrangement, preservation and exhibition of public records;

(*e*) preparation of inventories, indices, catalogues and other reference media of public records;

(*f*) analysing, developing, promoting and coordinating the standards, procedures and the techniques for improvement of the records management system;

(*g*) ensuring the maintenance, arrangement and security of public records in the Archives and in the offices of the records creating agency;

(*h*) promoting utilisation of available space and maintenance of equipments for preserving public records;

(*i*) tendering advice to records creating agencies on the compilation, classification and disposal of records and application of standards, procedures and techniques of records management;

(*j*) survey and inspection of public records;

(*k*) organising training programmes in various disciplines of Archives administration and records management;

(*l*) accepting records from any private source;

(*m*) regulating access to public records;

(*n*) receiving records from defunct bodies and making arrangement for securing public records in the event of national emergency;

(*o*) receiving reports on records management and disposal practices from the records officer;

(*p*) providing authenticated copies of, or extracts from, public records;

(*q*) destroying or disposal of public records;

(*r*) obtaining on lease or purchasing or accepting as gift any document of historical or national importance.

Prohibition against taking of public records out of India.

4. 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.

Records officer.

5. (*1*) Every records creating agency shall nominate one of its officers as records officer to discharge the functions under this Act.

Responsibilities of records officer.

(*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. (*1*) The records officer shall be responsible for—

(*a*) proper arrangement, maintenance and preservation of public records under his charge;

(*b*) periodical review of all public records and weeding out public records of euphemeral value;

(*c*) appraisal of public records which are more than twenty-five years old in consultation with the National Archives of India or, as the case may be, the Archives of the Union territory with a view to retaining public records of permanent value;

(*d*) destruction of public records in such manner and subject to such conditions as may be prescribed under sub-section (*1*) of section 8;

(*e*) compilation of a schedule of retention for public records in consultation with the National Archives of India or, as the case may be, the Archives of the Union territory;

(*f*) periodical review for downgrading of classified public records in such manner as may be prescribed;

(*g*) adoption of such standards, procedures and techniques as may be recommended from time to time by the National Archives of India for improvement of record management system and maintenance of security of public records;

(*h*) compilation of annual indices of public records;

(*i*) compilation of organisational history and annual supplement thereto;

(*j*) assisting the National Archives of India or, as the case may be, the Archives of the Union territory for public records management;

(*k*) submission of annual report to the Director General or, as the case may be, head of the Archives in such manner as may be prescribed;

(*l*) transferring of records of any defunct body to the National Archives of India or the Archives of the Union territory, as the case may be, for preservation.

(*2*) The records officer shall act under the direction of the Director General or, as the case may be, head of the Archives while discharging the responsibilities specified in sub-section (*1*).

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

7. (*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.

Destruction or disposal of public records.

8. (*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 1892 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.

Penalty for contraventions.

9. 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.

Public records bearing security classification.

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

Receipt of records from private sources.

11. (*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.

Access to public records.

12. (*1*) All unclassified public records as are more than thirty years old and are transferred to the National Archives of India or the Archives of the Union territory may be, subject to such exceptions and restrictions as may be prescribed made available to any *bona fide* research scholar.

Explanation.—For the purposes of this sub-section, the period of thirty years shall be reckoned from the year of the opening of the public record.

(*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.

Archival Advisory Board.

13. (*1*) The Central Government may, by notification in the Official Gazette, constitute an Archival Advisory Board for the purposes of this Act.

(*2*) The Board shall consist of the following members, namely:—

(*a*)	Secretary to the Government of India in the Ministry of Central Government dealing with culture	Chairman, *ex officio*;
(*b*)	one officer not below the rank of Joint Secretary to the Government of India, each from the Cabinet Secretariat, Ministry of Home Affairs, Ministry of Defence, Ministry of External Affairs, Ministry of Finance and Ministry of Personnel, Public Grievancesand Pension	Members, *ex officio*;
(*c*)	two representatives not below the rank of Joint Secretary in the Union territory Administrations to be nominated by the Central Government	Members;
(*d*)	three persons to be nominated by the Central Government for a period not exceeding three years, one being an Archivist and two being Professors in the Post-graduate Department ofHistory in any recognised University.	Members;
(*e*)	Director General	Member-Secretary, *ex officio*.

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

Functions of the Board.

14. 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.

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

15. 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.

Protection of action taken in good faith.

16. 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.

Power to make rules.

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

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(*a*) the period after which public records of permanent nature may be accepted under clause (*b*) of sub-section (2) of section 3;

(*b*) the manner in which and the conditions subject to which public records can be destroyed under clause (*d*) of sub-section (1) of section 6;

(*c*) the manner in which periodical review of classified public records for downgrading shall be undertaken under clause (*f*) of sub-section (1) of section 6;

(*d*) the manner in which the records officer will report to the Director General or the head of the Archives under clause (*k*) of sub-section (1) of section 6;

(*e*) the manner in which and the conditions subject to which public records may be destroyed or disposed of under sub-section (1) of section 8;

(*f*) the manner in which and the conditions subject to which records of historical or national importance may be made available to research scholar under sub-section (2) of section 11;

(*g*) exceptions and restrictions subject to which public records may be made available to a research scholar under sub-section (*1*) of section 12;

(*h*) the manner in which and the conditions subject to which any records creating agency may grant to any person access to public records in its custody under sub-section (*2*) of section 12;

(*i*) the allowances payable to members of the Board under sub-section (*3*) of section 13;

(*j*) the matters with respect to which the Board may perform its functions under clause (*d*) of section 14;

(*k*) any other matter which is required to be, or may be, prescribed.

Laying of rules before Parliament.

18. 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.

K. L. MOHANPURIA,
Secy. to the Govt. of India.

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