

পঞ্জীকৃত নম্বৰ ৭৬৮/৯৭

Registered No.768/97

অসম



ৰাজপত্ৰ

THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

PUBLISHED BY AUTHORITY

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

LEGISLATIVE DEPARTMENT : LEGISLATIVE BRANCH

NOTIFICATION

The 21st November, 2002

No.LGL.16/2002/27.-- The following Act of the Assam Legislative Assembly which received the assent of the Governor is hereby published for general information.

ASSAM ACT No. XVI OF 2002

Received the Assent of Governor on 18th November, 2002

THE ASSAM PUBLIC RECORDS ACT, 2002

AN

ACT

to
regulate the management, administration and preservation of Public Records of the Government of Assam, Public Sector Undertaking, statutory bodies and corporations and Committees constituted by the Government of Assam and matters connected therewith or incidental thereto.

Preamble.

Whereas it is expedient to regulate the management, administration and preservation of Public Records of the Government of Assam, Public Sector undertaking, Statutory Bodies and Corporations and Committees constituted by the Government of Assam ;

Short title, extent and commencement.

It is hereby enacted in the Fifty-third Year of the Republic of India as follows:-

1. (1) This Act may be called the Assam Public Records Act, 2002.
- (2) It extends to the whole of Assam.
- (3) It shall come into force on such date as the State 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" means the Director of Archives appointed by the Government of Assam and includes any officer authorized by the Government to perform the duties of the Director ;

- (c) "Prescribed" means prescribed by rules made under this Act ;
- (d) "Public Records" includes,
 - (i) any document manuscript and file ;
 - (ii) any microfilm, microfiche and facsimile copy of a document ;
 - (iii) any reproduction or 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 record creating agency ;
- (e) "Records creating agency" includes,
 - (i) in relation to the State Government, any department or office of the department ;
 - (ii) in relation to any statutory body or corporation wholly or substantially controlled or financed by the Government of Assam or Commission or any Committee constituted by the State Government the offices of the said body, Corporation, Commission or Committee;
- (f) "Records officer" means the officer nominated by the records creating agency under sub-section (1) of Section 5.
- (g) "State Government" means the Government of Assam.

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

3. (1) The State Government shall have the power to co-ordinate, regulate, and supervise the operation, connected with the administration, management, preservation, selection, disposal and retirement of public records under this Act.

- (2) The State Government in relation to the public records of the records creating agencies specified in sub-clause (i) and (ii) of clause (e) of Section 2 may by order, authorize the Director of Archives subject to the 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 public records ;
 - (d) arrangement, preservation and exhibition of public records;
 - (e) preparation of inventories, indices, catalogues and other reference media of public records;
 - (f) analyzing, 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 utilization 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) organizing 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 records on reports 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 either in original form or photo copy or true copy without the prior approval of the State 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.
- (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.

Responsi-
bilities of
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 ephemeral value;
 - (c) appraisal of public records which are more than twenty five years old in consultation with the State Archives of

Assam 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 State Archives Assam;
 - (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 State Archives of Assam for improvement of record management system and maintenance of security of public records;
 - (h) compilation of annual indices of public records;
 - (i) compilation of organizational history and annual supplement hereto;
 - (j) assisting the State Archives of Assam for public records management;
 - (k) submission of annual report to the Director of Archives in such manner as may be prescribed;
 - (l) transferring of records of any defunct body to the State Archives of Assam for preservation.
- (2) The records officer shall act under the direction of the Director of Archives while discharging the responsibilities specified in sub-section (1).

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

7. (1) The records officer shall in the event of any unauthorized 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 of Archives within two days on any information about any unauthorized 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.
- (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 Board 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 State Archives of Assam.
- Receipt of records from private sources.** 11. (1) The State Archives of Assam may accept any records of historical or national importance from any private source by way of gift, purchase or otherwise.
- (2) The State Archives of Assam 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 State Archives of Assam, may be, subject to such exceptions and restrictions as may be prescribed, made available to any bona-fide research scholar.

Explanation: For the purpose 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 State 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 Assam – Chairman
Department dealing with Archives Ex-officio
- (b) Secretary to the Government of Assam – Member
Department of Cultural Affairs.
- (c) Secretary to the Government of Assam, Department of (Higher) Education - Member
- (d) One officer not below the rank of Joint Secretary to the Government of Assam, each from the Department of Administrative Reforms and Training, Department of Personnel, Department of Pension and Public Grievances and Home Department. - Members
Ex-officio
- (e) Four persons to be nominated by the State Government for a period of not exceeding three years one being an Archivist, three being Professors in the post graduate Department of History in any recognized University. - Members
- (f) One member from National Archives, Govt. of India. - Member
- (g) Director of Museum and the Director of Library Services. - Members
- (h) Director of Archives - Member
Secretary
Ex-officio

- (3) The members nominated under clause (e) 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 State Government 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 Direc-
tor to lay
down
norms and
standards
for courses
in archival
science.

15. (a) The Director of Archives 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.

(b) The Director shall supervise and inspect Mahapez Khana of District/Sub-Division Head quarters and take necessary steps for proper preservation.

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 there under.

Power to
make
rules.

17. (1) The State 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 of 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 subsection (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 18.
rules before
State Legis-
lative.

All rules made by the State Government under this Act shall, as soon as may be after they are made, be laid before the State Legislature, while it is in session, for a total period of not less than fourteen days which may be comprised in one session or two or more successive sessions, and shall, unless some later date is appointed, take effect from the date of their publication in the Official Gazette subject to such modifications or annulments as the Legislature may, during the said period agree to make, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done thereunder.

S. K. SINHA,
GOVERNOR OF ASSAM.

K. D. PHUKAN,
Secretary to the Govt. of Assam,
Legislative Department.