



## The Arunachal Pradesh Public Record Act, 2011

Act 6 of 2011

**Keyword(s):**

**Director, Head of Archives, Public Record, Record Officer**

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GOVERNMENT OF ARUNACHAL PRADESH  
LAW, LEGISLATIVE AND JUSTICE DEPARTMENT  
ARUNACHAL PRADESH CIVIL SECRETARIAT  
ITANAGAR

NOTIFICATION

The 9th December, 2011

No. LAW/LEGN-23/2010.— The following Act of the Arunachal Pradesh Legislative Assembly which received the assent of the Governor of Arunachal Pradesh is hereby published for general information.

(Received the assent of the Governor on 28/11/2011)

THE ARUNACHAL PRADESH PUBLIC RECORDS ACT, 2011

(ACT NO. 6 OF 2011)

AN

ACT

*to regulate the management, administration and preservation of public records of the Government of Arunachal Pradesh, Statutory Bodies and Corporations, Commissions and Committees constituted by the Government of Arunachal Pradesh and matters connected therewith and incidental thereto.*

BE it enacted by the Legislative Assembly of Arunachal Pradesh in the Sixty-second Year of the Republic of India as follows :-

1. (1) This Act may be called the Arunachal Pradesh Public Records Act, 2011. Short title, extent and commencement.
- (2) It shall extend to whole of the State of Arunachal Pradesh.
- (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.
2. In this Act, unless the context otherwise requires :- Definitions.
  - (a) "Director" means the Director appointed by the State Government and includes any officer authorized by the Government to perform the duties of the Director ;
  - (b) "Head of Archives" means a person holding the charge of the Archives of the Government of Arunachal Pradesh ;
  - (c) "Prescribed" means prescribed by rules made under the Act ;
  - (d) "Public records" includes ;
    - (i) any documents, 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 ;
  - (e) Records creating agency include :-
    - (i) in relation to the Government of Arunachal Pradesh, any Ministry, Department or Office of the Government ;

- (ii) in relation to any Statutory Body or Corporation wholly or substantially controlled or financed by the Government of Arunachal Pradesh or Commission or any Committee constituted by the Government, the office of the said Body or Corporation ;
- (f) "Record Officer" means the officer nominated by the records creating agency under sub-section (1) of section 5.
- Power of the State Government to regulate, supervise or operationalise with administration, management etc. of public records.
3. (1) The State 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 State Government in relation to public records of the records creating agencies in sub-clauses (i) and (ii) of clause (f) of section 2 may, by order, authorize the Director 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 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 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 reports on records management and disposal practices from 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 of taking of public records out of the State Record Officer.
4. No person shall take or cause to be taken out of Arunachal Pradesh any public records 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 Arunachal Pradesh for any official purpose.
- Responsibilities of 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 record 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 ephemeral value ;
  - (c) appraisal of public records which are more than twenty five years old in consultation with the State Archives 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 ;
  - (f) periodical review for downgrading of classified public records in such manner as may prescribed ;
  - (g) adoption of such standards, procedures and techniques as may be recommended from time to time by the State Archives 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 thereto ;
  - (j) assisting the State Archives for public records management ;
  - (k) submission of annual report to the Director or the head of the Archives as the case may be, in a manner as may be prescribed ;
  - (l) transferring of records of any defunct body to the State Archives of Arunachal Pradesh for preservation ;
- (2) The records officer shall act under the direction of the Director or the head of the Archives, as the case may be, while discharging the responsibilities specified in sub-section (1).
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. Records officer to take appropriate action in the event of unauthorized removal, destruction etc. of public records in the custody.
- (2) The records officer shall submit a report in writing to the Director or the head of the Archives, as the case may be, without any delay 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 or the head of the Archives as the case may be.
- (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 records officer.
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 condition as may be prescribed. Destruction or disposal of public records.
- (2) No record created before the year 1892 shall be destroyed except wherein the opinion of the Director or the head of the Archives, as the case may be, it is so defaced or is in such condition that it cannot be put to any archival use.
9. Whoever contravenes any of the provision of section 4 and 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. Penalty for contravention.
10. No public records bearing security classification shall be transferred to the State Archives of Arunachal Pradesh. Public records bearing security classification.

- Receipt of records from private sources. 11. (1) The State Archives of Arunachal Pradesh may accept any record of historical or national importance from any private source by way of gift, purchase or otherwise.
- (2) The State Archives of Arunachal Pradesh in such manner and subject to such conditions as may be prescribed, make any record referred to in sub-section (1) available to any bonafide research scholar.
- Access to public record. 12. (1) All unclassified public records as are more than thirty years old and are transferred to the State Archives of Arunachal Pradesh may subject to such exceptions and restrictions as may be prescribed be made available to any bonafide 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 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.
- Archival Advisory Board. 13. (1) The State Government may, by notification in the Official Gazette, constitute an Archival Advisory Board for the purpose of this Act.
- (2) The Board shall consist of the following members, namely :—
- (a) Secretary to the Government of Arunachal Pradesh in the Department dealing with culture : Chairman, ex-Officio ;
- (b) One officer not below the rank of Deputy Secretary to the Government of Arunachal Pradesh, each from the Department of Home, Law, Secretariat Administration, General Administration, Finance and Administrative Reforms, ex-Officio ;
- (c) Three persons to be nominated by State Government for a period not exceeding three years, one being a Archivist and two being lecturers Department of History in any recognized college.
- (d) Director Research : Member Secretary, ex-Officio.
- (3) The members nominated under clause (c) 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 from time to time.
- Power of the Director to lay down norms and standards for courses in archival sciences. 15. The Director shall have the power to lay down norms and standards for courses curricula assessment 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 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 powers, such rules may provide for all or any of the following matters, namely :-
- (a) The period after which the 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 matter 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 or the head 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 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 matter 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.
18. Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly, while it is in session, for a total period of ten 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, if the Legislative Assembly agrees in making any modification in the rules or 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.

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C.P. Mansai,  
Secretary to the  
Government of Arunachal Pradesh,  
Itanagar.