

# SIKKIM



## GOVERNMENT

## GAZETTE

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GOVERNMENT OF SIKKIM  
LAW DEPARTMENT  
GANGTOK

No. 11/LD/17

Dated: 6/10/2017

### NOTIFICATION

The following Act passed by the Sikkim Legislative Assembly and having received assent of the Governor on 8<sup>th</sup> day of September, 2017 is hereby published for general information :-

### THE SIKKIM PUBLIC RECORDS ACT, 2017

(ACT NO. 11 OF 2017)

AN

ACT

to regulate the management, administration and preservation of the public records of the State Government, public sector undertakings, statutory bodies and the corporations, commissions and committees constituted by the State Government and for matters connected therewith or incidental thereto.

**BE** it enacted by the Legislature of Sikkim in the Sixty-eighth Year of the Republic of India as follows:-

**Short title and  
commencement**

1. (1) This Act may be called the Sikkim Public Records Act, 2017.
- (2) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

**Definition**

2. In this Act, unless the context otherwise requires,-
  - (a) "Board" means the Archival Advisory Board constituted under Section 12.
  - (b) "Director" means the Director of Archives appointed by the State Government and includes any officer authorised by the State Government to perform the duties of the Director;
  - (c) "head of Archives" or "Archives Officer" means a person holding the charge of the Archives of the State Government;

- (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, pictures or films of historical or national importance.

**Prohibition  
against taking of  
public records  
out of State**

4. No person shall take or cause to be taken out of State 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 State 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 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.

**Responsibilities  
of a Record  
Officer**

6. (1) The Records Officer shall be responsible for,-
- (a) proper arrangement, maintenance and preservation of public records under his/her 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 25 (twenty five) years old in consultation with State Archives with a view to retaining public records of permanent value;



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 5 (five) years or with fine which may extend to ten thousand rupees or with both.

Receipt of records from private sources. 10. (1) The State Archives may accept any record of historical or national importance from private source by way of gift, purchase or otherwise.  
(2) The State Archives may, subject to such conditions as may be prescribed, make any record available to any *bona fide* research scholar.

Access to public records. 11. (1) All unclassified public records as are more than 30 (thirty) years old and are transferred to the State Archives, 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 30 (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 records in its custody in such manner and subject to such conditions as may be prescribed.

Archival Advisory Board. 12. (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 Cultural Affairs and Heritage Department -  
Chairman, *ex officio*;

(b) Officers not below the rank of Joint Secretary to the Government of Sikkim from the Cultural Affairs and Heritage Department, Finance Revenue and Expenditure Department, Department of Personnel, Administrative Reform & Training, Public Grievance, and Home Department -

Members, *ex officio*;

(c) Two persons to be nominated by the State Government for a period not exceeding three years, one being an Archivist and other being Professor in the Post-graduate Department of History in any recognized University.

(d) Director, Archives or Head of Archives -

Member Secretary, *ex officio*.

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

- (g) exceptions and restrictions subject to which public records may be made available to a research scholar under sub-section (1) of section 11;
- (h) the manner in which and the conditions subject to which any records recreating agency may grant to any person access to public records in its custody under sub-section (2) of section 11;
- (i) the allowances payable to members of the Board under sub-section (3) of section 12;
- (j) the matters with respect to which the Board may perform its functions under clause (d) of section 13;
- (k) any other matter which is required to be, or may be, prescribed.

**Jagat B. Rai (SSJS)**  
**LR-cum-Secretary,**  
**Law Department.**