

Act No. 9/2000
Date of Assent 21/8/2000
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THE MANIPUR PUBLIC RECORDS ^{Ad-}~~BILL~~, 2000

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

Be it enacted by the Legislature of Manipur in the Fifty First Year of the Republic of India as follows:

1. Short title and commencement :—

(1) This Act may be called the Manipur Public Records Act, 2000.

(2) It shall come into force on the date as the State Government may, by notification in official gazette, appoint.

2. Definitions:—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 State Government and includes any officer authorised 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 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 includes:—

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

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

(f) "Records Officer" means the officer nominated by records creating agency under sub-section (1) of section 5.

3. Power of the State Government to co-ordinate, regulate and supervise operations connected with administration, management etc., of public records:—

(1) The State Government shall have the power to co-ordinate, 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 the public records of the records creating agencies specified in sub-clauses (i) and (ii) of clause (e) of section 2 may, by order, authorise the Director 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 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) 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.

4. Prohibition against taking of public records out of the State :—
No person shall take or cause to be taken out of the 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 the State for any official purpose.

5. Records officer :—

(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.

6. Responsibilities of Records officer:—

(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 ephemeral value;

(c) appraisal of public records which are more than twenty-five years old in consultation with Directorate of Archives, Manipur 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 Directorate of Archives, Manipur;

(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 Directorate of Archives, Manipur 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 Directorate of Archives, Manipur for public records management;

(k) submission of annual report to the Director of Directorate of Archives, Manipur in such manner as may be prescribed;

(l) transferring of records of any defunct body to the Directorate of Archives, Manipur for preservation.

(2) The records officer shall act under the direction of the Director while discharging the responsibilities specified in sub-section (1).

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

(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 of Directorate of Archives, Manipur 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 of the Directorate of Archives, Manipur.

(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.

8. Destruction or disposal of public records :—

(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 it is so defaced or is in such condition that it cannot be put to any archival use.

9. Penalty for contravention :—

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.

10. Public records bearing security classification :—

No public records bearing security classification shall be transferred to the Directorate of Archives, Manipur.

11. Receipt of records from private sources :—

(1) Directorate of Archives, Manipur may accept any records of historical or national importance from any private source by way of gift, purchase or otherwise.

(2) The Directorate of Archives, Manipur 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 bonafide research scholar.

12. Access to public records :—

(1) All unclassified public records as are more than thirty years old and are transferred to the Directorate of Archives, Manipur may be subject to such exceptions and restrictions as may be prescribed, made available to any bonafide 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.

13. Archival Advisory Board :—

(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 State Government in the Arts & Culture Department of State Chairman, ex-officio;

(b) one officer not below the rank of Joint Secretary to the State Government each from the Cabinet Department, Home Department, Finance Department, Department of Personnel and Administrative Reforms as members ex-officio;

(c) three persons to be nominated by the State Government for a period not exceeding three years, one being an Archivist and two being Professors in the Post-Graduate Department of History in any recognised University;

(d) Director shall be the ex-officio Members-Secretary of the Board.

14. Function of the Board :—

The Board shall perform the following function, namely—

- (a) advise the State Government on the 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.

15. Power of the Director to lay down norms and standards for courses in Archival Science :—

The Director 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.

16. Protection of action taken in good faith :—

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.

17. Power to make rules :—

(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 (b) 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 under clause (k) of sub-section (1) of section 6;