

THE DESTRUCTION OF RECORDS ACT, 1917

(Modified as on 3rd December, 2018)

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SECTIONS

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THE DESTRUCTION OF RECORDS ACT, 1917

ACT NO. 5 OF 1917¹

[28th February, 1917.]

An Act to consolidate and amend the law providing for the destruction or other disposal of certain documents in the possession or custody of Courts and Revenue and other public officers.

WHEREAS it is expedient to consolidate and amend the law providing for the destruction or other disposal of certain documents in the possession or custody of Courts and Revenue and other public officers; It is hereby enacted as follows:—

1. Short title. Extent.—This Act may be called the Destruction of Records Act, 1917.

²[It extends to the whole of India except ³[the territories which, immediately before the 1st November, 1956, were comprised in Part B States].]

STATE AMENDMENT

Karnataka

Amendment of section 1 of Central Act V of 1917.—In section 1 of the principal Act, after the expression “except the territories Which immediately before the 1st November 1956 were comprised in Part ‘B’ States”, the expression “other than the territories specified in clause (a) and clause (c) of sub-section (1) of section 7 of the States Reorganisation Act, 1956 (Central Act 37 of 1956)” shall be added.

[*Vide* Karnataka Act 3 of 1963, s. 3].

2. [*Definitions.*] *Rep. by the A.O. 1937.*

43. Power to certain authorities to make rules for disposal of documents.—(1) The authorities hereinafter specified may, from time to time, make rules for the disposal, by destruction or otherwise, of such documents as are, in the opinion of the authority making the rules, not of sufficient public value to justify their preservation.

(2) The authorities shall be—

(a) in the case of documents in the possession or custody of a High Court or of the Courts of civil or criminal jurisdiction subordinate thereto,—the High Court;

(b) in the case of documents in the possession or custody of Revenue Courts and officers,—the Chief Controlling Revenue-authority⁵; and

(c) in the case of documents in the possession or custody of any other public officer,—

⁶[(i) if the documents relate to purposes of a State, the State Government or any officer specially authorized in that behalf by that Government;

(ii) in any other case, the Central Government or an officer specially authorized in that behalf by that Government.]

⁷[(3) Rules made under this section by any High Court or by a Chief Controlling Revenue-authority or by an officer specially authorized in that behalf by any State

1. This Act has been extended in its application to Goa, Daman and Diu by Reg. 12 of 1962, s. 3 and Sch.; (w.e.f. 1-2-1965) to the Union territory of Lakshadweep (w.e.f. 1-10-1967); *vide* Reg. 8 of 1965, s. 3 and Sch. and to the Union territory of Pondicherry by Act 26 of 1968, s. 3 and Sch.

2. Ins. by the A.O. 1950.

3. Subs. by the A.O. (No. 3) 1956, for “Part B States”.

4. Section 3 has been amended in its application to the U.P. by the U.P. Board of Revenue Act, 1922 (U.P. 12 of 1922), s. 2 and Sch.

5. For definition of Chief Controlling Revenue-authority, *see* the General Clauses Act, 1897 (10 of 1897), s. 3.

6. Subs. by the A.O. 1937, for “the L.G., or any officer specially authorized in that behalf by the L.G.”.

7. Subs., *ibid.*, for sub-section (3).

Government shall be subject to the previous approval of the State Government; and rules made by an officer specially authorized in that behalf by the Central Government shall be subject to the previous approval of the Central Government.]

4. Validation of former rules for disposal of documents.—All rules and orders directing or authorising the destruction or other disposal of documents in the possession or custody of any public officer, heretofore made by a State Government, or with the approval of the State Government by any authority not empowered to make such rules under the Destruction of Records Act, 1879 (3 of 1879), shall be deemed to have had the force of law from the date on which they were made, and all such rules and orders now in force shall continue to have the force of law until they are superseded by rules made under this Act.

5. Saving of certain documents.—Nothing in this Act shall be deemed to authorise the destruction of any document which, under the provisions of any law for the time being in force, is to be kept and maintained.

6. [*Repeals.*] *Rep. by the Repealing Act, 1927 (12 of 1927), s. 2 and Schedule.*

THE SCHEDULE.—[*Repeal of Enactments.*] *Rep. by s. 2 and Sch., ibid.*
