

Copy of the Public Records Rules, 1997
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Sub-Section (i)

New Delhi, Saturday, January 18, 1997

(Department of Culture)
New Delhi, 9th January, 1997

G.S.R. 43-In exercise of the powers conferred by sub-section (1) of section 17 of the Public Records Act, 1993 (69 of 1993), the Central Government hereby makes the following .

1. Short title and commencement (1) These rules may be called the Public Records Rules, 1997 (2) They shall come into force on the date of their publication in the Official Gazettee.
2. Definitions – In these rules, unless the context otherwise requires –
 - (a) “Act” means the Public Records Act, 1993 (69 of 1993).
 - (b) “appraisal” means the evaluation of public records in association with the National Archives of India or Archives of the Union Territory as the case may be;
 - (c) “Classified Records” means the files relation to the public records classified as top secret, secret, confidential and restricted in accordance with the procedure laid down in the Manual of Department Security Instructions circulated by the Ministry of Home affairs from time to time.
 - (d) “custody” means the possession of public records.
 - (e) “defunct Body” Means a corporate or non corporate body which has been wound up with no successor to carry on its functions:
 - (f) “declassification” means downgrade the security classifications after their evaluation;
 - (g) “file” means a collection of papers relation to the public records on a specific subject matter consisting of correspondence notes and appendix thereto and assigned with a file number
 - (h) “from” means the form appended to these rules:
 - (i) “private Records” means records lying in the possession of a private individual or with any non-governmental organization;

- (j) "recording" means the process of cloaing a file after action on all issues considered thereon has been completed
 - (k) "records of permanent nature" means the public records being maintained after recording for a period specified, under sub-rule (1) of rule 5 by the records creating agency in accordance with the procedure laid in its Manual of Office Procedure or Instruction on the subject
 - (l) "relation schedule of records" means a Scheduled which provides the period of retention;
 - (m) "review" means periodical evaluation of recorded files on the expiry of the period of retention for determining their further retention or destruction as the case may be;
 - (n) "Section" means the section of the Act;
 - (o) "Standing guard file" means a compilation of papers on a particular subject – matter consisting of copies of policy decision orders instructions or any another matter incidental thereto arranged in a chronological order;
 - (p) Words and expressions used herein and not defined but defined in the Act, shall have the meanings respectively assigned to them in the Act.
3. Nomination of records officer – The records creating agency shall by an office order issued in pursuance of he provision of sub-section (1) of section 5 of the Act nominate one of its officers, as the Records Officer. A copy of such office order shall forwarded to the Director General or head of the Archieves, as the case may be.
 4. Maintenance of standing guard file – The records officer shall be responsible for maintaining and keeping a standing guard file and proper record of the directions issued by the Director General or head of the Archieves, as the case may be,. In pursuance of the provisions of sub-section (2) of section 6 and shall produce the same for inspection as and when required by the Director General or head of the Archieves, as the case many be.
 5. Acceptance of public records of permanent nature. (1) The Director Fgeneral or head of the Archieves, as the case may be, shall accept for deposit and preservation public records of permanent nature which have been retained after recording by the records creating agency in its records room for the hast twenty five years or more. (2) Records officer shall intimate to the Director General or head of the Archieves, as the case may be, each year before 31st day of January,

- in Form – 1, the particulars of all public records of permanent nature which are due for appraisal during the year. (3) On receipt of an intimation under sub-rule (2), the Director General or head of the Archives, as the case may be, through his officers, shall assist the records officer in conducting the appraisal of public records. When the appraisal is over, the records officer shall prepare, in triplicate, a transfer list in Form – 2 of all public records and deposit the same for preservation with the Director General or head of the Archives, as the case may be who shall after his satisfaction, return one copy of the transfer list to the records officer as a receipt of the public records. (4) If the records officer after appraisal deems it necessary to retain any record or file of permanent nature beyond the period of twenty five years, he may do so for reasons to be recorded in writing and under intimation to the Director General or head of the Archives, as the case may be.
6. Withdrawal of public records (1) If public records deposited and preserved with the Director General or head of the Archives, as the case may be, is required by the records creating agency for any official purpose, then the records officer shall send a duly signed and stamped requisition slip in Form – 3 to the Director General or head of the Archives as the case may be. (2) The public records requisitioned under sub-rule (1) may be returned as soon as the purpose is achieved but shall not be retained beyond the period of six months by the records officer or the record creating agency.
7. Down-grading of classified records (1) The records creating agency shall by an office order authorize an officer not below the rank of the Under Secretary to the Government of India to evaluate and downgrade the classified records being maintained by it. A copy of such office order shall be forwarded to the Director General or head of the Archives, as the case may be. (2) The officer so authorized under sub-rule (1) shall evaluate the classified records every fifth year for the purpose of down-grading. (3) After down grading if the officer declares any record as of permanent nature, the same shall be deposited and preserved with the Director General or head of the Archives, as the case may be, after its appraisal. (4) The records deposited under this rule can be requisitioned for any official purpose and returned to the Director General or head of the Archives, as the case may be, in the manner provided under rule 6. (5) Every year in the last week of June and December, a half-yearly statement in

- Form – 4 shall be furnished by the officer authorized under sub-rule (1) to the Director General or head of the Archives, as the case may be, on the action taken for evaluation and downgrading of classified records.
8. Submission of Annual Report (1) The records officer nominated under rule 3 shall furnish to the Director General or head of the Archives as the case may be, an Annual Report in Form – 5 every year in the month of March of the following year. (2) The Director General or head of the Archives, as the case may be, shall thereafter, submit a report to the Government in the Ministry of Human Resource Development every year on the action taken by the Records Officers in pursuance to the provisions of clauses (a) to (1) of sub-section 1 of section 6 of the Act.
 9. Destruction of Public Records (1) No public record shall be destroyed without being recorded and reviewed. In the month of January every year, each record creating agency shall record after consulting the records retention Schedule all those files on which action has been completed. This work shall be accomplished in consultation with the records officer. (2) No public records which is more than twenty five years old shall be destroyed by any records creating agency unless it is appraised. (3) A list of all such public records which are proposed to be destroyed shall be prepared by the record creating agency in Form – 6 and retained permanently for future reference. (4) The records officer shall furnish a half year report in Form – 7 on recording, indexing, reviewing and weeding of records to the Director General or head of the Archives, as the case may be. (5) Records shall be destroyed either by burning or shredding in the presence of records officer.
 10. Access to private records
 - (i) Records acquired from private sources by way of gift or purchase or otherwise shall be made available for bona fide research subject to the conditions laid down by the donor.
 - (ii) Research scholar shall submit an application in Form – 8 to the Director General or head of the Archives, as the case may be for permission to consult records. The Director General or head of the Archives, as the case may be, may refuse such permission in public interest and for reasons to be recorded on the said application.

- (iii) Wherever microfilm rolls may be available, the original records shall not be supplied for consultation to research scholars. No copy of any records shall be made by any one without the prior permission on the Director General or head of the Archives, as the case may be

11. Access to public records

- (1) The public records accepted for deposit and preservation under sub-rule (1) of rule 5 shall be made available for bonafide consultation and research purposes subject to the provision of sub-section (1) of section 12 and the following conditions namely.
 - (i) A person who intends to consult the public records shall apply to the Director General or head of the Archives, as the case may be, in Form – 8. The Director General or head of the Archives, as the case may be, may refuse such permission in public interest and for reasons to be recorded on the said application;
 - (ii) Foreign national intending to consult the public records may be permitted only on the production of letters of introduction from their sponsoring institution and diplomatic Mission;
 - (iii) Records, maps and cartographic records relating to the Ministry of External Affairs and Ministry of Defence, in respect of Arunachal Pradesh (including Eastern Section of the Sino-Indian border) Sikkim, Bhutan, Nepal, Tibet, China and Myanmar and areas comprising Pakistan and Bangladesh may be made available for consultation keeping in view of security and the defence of India or of any part of the territory hereof, Records relating to the Ministry of External Affairs, Home Affairs and Human Resource Development in respect of Jammu and Kashmir (including Gilgit and Chitral) may also be made available for consultation keeping in view the security and defence of India or of any part of the territory thereof;

Provided that the Director General or head of the Archives, as the case may be, refuse such consultation;

- (iv) Wherever microfilm rolls may be made available, the original records shall not be supplied for consultation to research scholar;
- (v) Reprographic and transcription facilities may be made available on submission of an application in Form – 9 and for such services charges

as may be fixed by the Director General or head of the Archives, as the case may be, from time to time;

- (vi) A person consulting public records for the purpose of research and publishes the work which is based upon the material taken from the said records may acknowledge the same.
 - (2) A person intending to consult the public records shall not -
 - (a) write and put any marks or indications on public records;
 - (b) fold, tear, cut, crease, or otherwise damage or mutilate public records;
 - (c) Remove any public records without obtain in the permission from the Director General or head of the Archives, as the case may be;
 - (d) Be allowed to take any eatable or drinking products or smoking while consulting public records;
 - (e) disturb or interrupt any other person while consulting the public records;
and
 - (f) behave in a manner which, in the opinion of the Director General or head of the Archives, as the case may be, is detrimental to the maintenance and preservation of public records.
12. Allowances to the members of the Archivedc Advisory Board- The members of the Archival Advisory Board nominated by the Central Government under clause (d) of sub-section 2 of section 13 shall draw traveling allowance and daily allowance for attending the meetings of the Archieval Advisory Board at the rates admissible to Group 'A' officers of the Central Government.