

Bihar State Public Records Act, 2014

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Act 8 of 2014

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Bihar State Public Records Act, 2014(Bihar Act No. 8 of 2014)Last Updated 11th February, 2020Preamble. - An Act to regulate the management, administration and preservation of public records of the State Government and public sector undertakings, statutory bodies and corporations, commissions and committees constituted by the State Government and matters connected therewith or incidental thereto.Be it enacted by the State Legislature of Bihar in the sixty fifth year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1)This Act may be called the Bihar State Public Records Act, 2014.(2)It shall extend to the whole of the Bihar State.(3)It shall come in to force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions.

- In this Act, unless otherwise requires in the context :-(a)"Board" means the State 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)"State Archives" means Bihar State Archives and other Archives under its control constituted for the State.(d)"Divisional Record Room" means all Divisional Record Rooms.(e)"District Record Room" means all District Record Rooms of State either Government or Private.(f)"State" means State of Bihar.(g)"Prescribed" means prescribed by rules made under this Act.(h)"Public Records" include-(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);(iv)any material produced by a computer or by any other device like computer tape, floppy, Compact Disc, software etc.(v)of any record creating agency or of historical importance.(i)"Records Creating Agency" includes:-(i)any Department or Office of the State Government;(ii)In relation to any statutory body or corporation wholly or

substantially controlled or financed by the State Government or in respect of commission or any committee constituted by the State Government, the office of the said body, corporation, commission or committee or any institution wholly or partially financed by the State Government including grants.(j)"Office" includes all offices of the State Government and the offices of the corporations constituted by the State Government or of the institutions partially and wholly financed or receiving grants by the State Government.(k)"Records Officer" means the officer nominated by the records creating agency under sub-section (1) of section 5.

3. Powers of the State Government.

(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 records creating agencies specified in sub-clause (i) and (ii) of clause (i) of section 2, may, by order, authorize the Director under 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 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, enriching and co-ordinating the standards, procedures and techniques for improvement of the record management system;(g)ensuring the maintenance, arrangement and security to public records in the Department of Archives and in the offices of the records creating agency;(h)promoting utilization of available space for preserving public records and maintenance of equipments;(i)tendering advice to record 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)regulating access to public records;(m)receiving records from defunct bodies and making arrangement for securing public records in the event of national emergency;(n)receiving reports on records management and disposal practices from the record officer;(o)providing authenticated copies of or extracts from public records;(p)destroying and disposal of public records;(q)obtaining on lease or purchasing or accepting as gift any document of historical, national or state importance.

4. Taking Public Records out of state.

- Neither any person shall take nor permit to take out any public records outside the State 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. Nomination of Records Officer.

(1)Every records creating agency shall nominate one of its officers as record officer to discharge the functions under this Act.(2)Every record creating agency may set up such number of record rooms

in such places and institutions as it deems fit and shall place each record room under the charge of a records officer.

6. Liabilities of Records Officer.

(1)The record officer shall be responsible for the following :-(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 of more than 25 years, in consultation with State Archives of Bihar, with a view to retaining public records of permanent values;(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 of Bihar, or the Regional Archives and District Record Rooms as the case may be;(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 National Archives of India for improvement of record management system and security of public records;(h)compilation of annual indices of public records;(i)compilation of organizational history and annual supplement thereto;(j)assisting the Bihar State Archives or the Regional Archives and District Record Room, as the case may be, for public records management;(k)submission of annual report to the Director or Head of Archives in such manner as may be prescribed;(l)transferring of records of any defunct body to State Archives, Divisional Record Room, District Record Room, as the case may be, for preservation;(2)The record officer shall act under the direction of Director or the Head of Archives as the cases may be while discharging responsibilities specified in sub-Section (1).

7. Duties of the Record Officer.

(1)The record officer shall, in the event of any unauthorized removal, 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 record officer shall submit a report in writing without delay to the Director or the Head of Archives as the case may any information related to any unauthorized removal, destruction, defacement or alteration of any public record under his charge and action initiated by him according to situation as he may deem necessary subject to the directions, if any, given by the Director or the Head of Archives as the case may be.(3)The record officer may seek assistance from any Government officer or any other person for the purpose of recovery or restoration of the public records and such officer or person shall render all assistance to the records officer.

8. Disposal of Public Records.

(1)Save as other wise provided in any law for the time being in force, no public records shall be destroyed or otherwise disposed of except in such manner and subject to such conditions as may have been prescribed.(2)No record created before the year 2014 shall be destroyed except where in the opinion of the Director and the Head of Archives and Archivist it is so defaced or is in such condition that it cannot be put to any Archival use but signature of three persons will be essential on

such decision.

9. Power to file case and punishment.

(1)Record officer may file case as soon as possible for before the Court of Chief Judicial Magistrate with prior permission of Director.(2)Whoever contravenes any of the provisions of section 4 or section 8 of this Act, shall be punishable with imprisonment for such term, which may be extended to five years or with fine which may extend to ten thousand rupees or with both.

10. Public Records not to be transferred.

- Any public record bearing security classification would not be transferred to the State Archives or Divisional Record Room or District Record Room.Provided the State Government may declassify such classified documents after a period of 30 years from its creation by a Committee constituted by the State Government. Documents thus declassified may be transferred to archives under the provisions of the Act. The office of Chief Minister Secretariat, Chief Secretary Office, Governor Secretariat, Home Department and Cabinet Secretariat Department or any other office as decided by the State Government shall be included in this category.

11. Obtain and provide public records.

(1)The State Archives or Regional Archives or Divisional Record Room or District Record Room may accept any record of historical, national or State importance from any private source by way of gift, purchase or otherwise.(2)The State Archives 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 bona fide research scholar. Such research scholar will return such record after study to the Archives on the same day.

12. Access to Public Records.

(1)All unclassified public records that are more than 30 years old and are transferred to Bihar State Archives, any Regional Archives, Divisional Record Room and District Record Room may be provided to any research scholar subject to such exceptions and conditions as may be prescribed.Explanation. - For the purpose to 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 access to any person to any public Record in such manner and subject to such conditions as may be prescribed.

13. Constitution of an Archival Advisory Board.

(1)The State Government, may by notification in the official Gazette constitute, for the purpose of this Act, an Archival Advisory Board.(2)The Board shall consist of the following members, namely :- (a)Member Board of Revenue - Ex officio Chairman.(b)One officer, each from Cabinet Secretariat Department, Art Culture & Youth Department, Tourism Department and Education Department not

below the rank of Secretary to the Government of Bihar - Ex officio members.(c)Three persons to be nominated by the State Government for a period of three years or more than three years out of which one of them will be Records Officer (Archivist) and two others Professor and Head of the Postgraduate Department of History Department and Ancient History and Culture of any recognised University - Ex officio members.(d)Director of Archives- Ex-Officio Member Secretary.(e)One member each of the Bihar Legislative Council and Bihar Legislative Assembly who have interest in above subject shall be nominated by Chairman and Speaker.(3)Board may invite any expert in the meetings.

14. Functions of the Board.

- The Board shall perform the following functions;(a)advise the State Government, Divisional and District administration on matters concerning the administration, management, preservation 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 State Government to decide courses of Archival Science etc.

- The State Government shall have power to lay down norms and standards for courses, curricula, standard and grade of examinations relating to the training in archival science and other ancillary subjects.

16. Bar of suit.

- No suit, prosecution or other legal proceedings shall not be initiated against any person in respect of any things which is in good faith done or intended to be done in pursuance of this Act or the rules made there under.

17. Power to make rules.

(1)The State Government may, by notification in the official Gazette, make rules to carryout the provisions of this Act.(2)Every rule made under this Act, as soon as it is made, will be presented before each House of Legislature, while it is in session, for a total period of fourteen 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, both Houses agree in making any modification in the rule, then thereafter, the rule will be effective in the above said changed manner. However if the both Houses before prorogation agree that the rule should not be made, the rule shall, thereafter have no effect. However, any such modification or annulment of the rule shall not affect validity of anything previously done under that rule.