

Karnataka State Public Records Act, 2010

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Act 9 of 2011

- Published on 1 January 2011
- Commenced on 1 January 2011
- [This is the version of this document from 1 January 2011.]
- [Note: The original publication document is not available and this content could not be verified.]

Karnataka State Public Records Act, 2010(Karnataka Act No. 9 of 2011)Statement of objects and Reasons - Amending Act 9 of 2011. - It is considered necessary to enact the Karnataka Public Records Act, providing a provision to;-(a) implement the suggestions of the Indian Historical Records Commission to prepare a legislation regarding the maintenance of public records on par with the public records Act of the Central Government within the prescribed time and implement the same;(b) ensure that proper maintenance and preservation of the Government records in the State of Karnataka which will be useful in the day to day administration and to the persons conducting research;(c) ensure proper procurement, maintenance, administration and preservation of records of District administration, Public undertakings, Corporations or Boards, Commissions or Committees and also to receive from private sources records of historical and national importance;(d) constitute State Archival Advisory Board to advice State Government on matter relating to the maintenance and conservation of public records and other matters connected therewith or incidental thereto.Hence, the Bill.[L.A. Bill No. 6 of 2010, File No.Samvyashae 48 Shasana 2009][Entry 12 of List II and entry 12 of list III of the Seventh schedule to the constitution of India.](First Published in the Karnataka Gazette Extra-ordinary on the ninth day of February 2011)(Received the assent of the Governor on the fourth day of February, 2011)An Act to regulate the management, administration and preservation of public records of the State Government, State 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 Karnataka State Legislature in the Sixty first year of the Republic of India as follows:-

1. Short title and Commencement.

(1)This Act may be called the Karnataka State Public Records Act, 2010.(2)It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

2. Definitions.

- In this Act, unless the context otherwise requires,-(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 authorized by that Government to perform the duties of the Director;(c)"Head of the Archives" means a person holding the charge of the Archives of the State;(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 Ministry, 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 any commission or any committee constituted by the State Government, the offices of the said body, corporation, commission or committee;(f)"Records Officer" means the officer nominated by the records creating agency under sub-section (1) of section 5;(g)"State" means the State of Karnataka.

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 destroying of public records under this Act.(2)The State Government in relation to the public records of the records creating agencies may, by order, authorize the Director of Archives 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 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, promoting and co-ordinating 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 office of the records creating agency;(h)promoting utilization 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)organizing 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/State 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, State 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.

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 records of ephemeral value; (c) appraisal of public records which are more than twenty five years old in consultation with the State Archives 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 State Archives; (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 State Archives for improvement of record management system and maintenance of securing of public records. (h) compilation of annual indices of public records. (i) compilation of organizational history and annual supplement thereto; (j) assisting the State Archives in public records management (k) submission of annual reports to the Director in such manner as may be prescribed; (l) transferring of records of any defunct body to the State Archives 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 unauthorized removal, destruction etc., of Public Records in his custody.

(1) The Records Officer shall, in the event of any unauthorized 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 without any delay on any information of unauthorized removal, destruction, defacement or alteration of any public records under his charge and the action initiated by him and shall take action as he may deem necessary subject to the directions, if any given by the Director. (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)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 records, which is more than hundred years old 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 contraventions.

- 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 twenty-five thousand rupees or with both.

10. Public records bearing security classification.

- No public records bearing security classification shall be transferred to the State Archives.

11. Receipt of records from private sources.

(1)The State Archives may accept any record of historical or national 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.

12. Access to Public Records.

(1)All unclassified public records as are more than thirty years old and are transferred to the State Archives may be subject to such exceptions and restrictions as may be prescribed made available to any bona-fide 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 permission to any person to 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 Government incharge of culture
- (b)

Chairman, Ex-officio;
Member, Ex-officio;

one officer not below the rank of Joint Secretary to Government of Karnataka, each from the departments of Personnel and Administrative Reforms, Finance, Law & Parliamentary Affairs and Legislation

- three persons to be nominated by the State Government for a period not exceeding three years, one being an Archivist by profession and two being professors in the post-graduate Department of History in any recognized Universities from the State
- (c) Members

- (d) Director 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.

14. Functions of the Board.

- The Board shall perform the following functions, namely:-(a) advise the State Government on 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 there under.

17. Power to make rules.

(1) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes 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 (d) 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;(e) the manner in which and the conditions subject to which public records may be

destroyed or disposed of under sub-section (1) of section 8;(f)the manner in which and the conditions subject to which records of historical or national or State importance may be made available to research scholar under sub-section (2) of section 11;(g)exceptions and restrictions subject to which public records may be made available to a research scholar under sub-section (1) of section 12;(h)the allowances payable to members of the Board under sub-section (3) of section 13;(i)the matters with respect to which the Board may perform its functions under clause (d) of section 14;(j)any other matter which is required to be, or may be, prescribed.(3)Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of State Legislature while it is in session, for a total period of thirty 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 or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

18. Power to remove difficulty.

(1)If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.(2)Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.The above translation of PÀÉÁðIPÀgÁdå , ÁªÀðdªPÀZÁR-ÉUÀ¼À CçsªAiÀªªÀª, 2010 (2011 gÀPÀÉÁðIPÀ CçsªAiÀªªÀª, ÀASÉå: 9) be published in the official Gazette under clause (3) of Article 348 of the Constitution of India.