

Bihar Public Records Rules, 2015

BIHAR

India

Bihar Public Records Rules, 2015

Rule BIHAR-PUBLIC-RECORDS-RULES-2015 of 2015

- Published on 27 January 2015
- Commenced on 27 January 2015
- [This is the version of this document from 27 January 2015.]
- [Note: The original publication document is not available and this content could not be verified.]

Bihar Public Records Rules, 2015 Published vide Notification No. 567, dated 27.1.2015 No. 567. - In exercise of the powers conferred by sub-section (1) of section 17 of the The State Public Records Acts 2014 the State Government of Bihar hereby makes the following Rules:-

1. Short title, extent and commencement.

(1) These rules may be called the Bihar Public Records Rules, 2015. (2) It shall extend to the whole of the State of Bihar. (3) It shall come into force on the date of its publication in the Official Gazette.

2. Definitions.

- In these rules, unless otherwise requires in the context: -(a) "Act" means the Bihar Public Records Act, 2014; (b) "appraisal" means the evaluation of public records in association with the Bihar State Archives or the regional archives as the case may be; (c) "classified records" means the files of Chief Minister Secretariat, Chief Secretary Office, Governor Secretariat, Home Department and Cabinet Secretariat Department classified as top- secret, secret, confidential and restricted; (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) "Down gradation of classified records" means down gradation of the security classification of the records after evaluation; (g) "file" means a collection of papers relating to the public records on a specific subject-matter and it includes the correspondence, notes and appendix thereto and assigned with a file number; (h) "form" means the form appended to these rules; (i) "private records" means records lying in the possession of private individual or with any non-governmental organization; (j) "recording" means the process of closing 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 the period specified, under sub-rule (1) of rule 5 by the records creating agency in accordance with the procedure laid in its secretariat instruction/record manual or instruction on the subject. (l) "retention Schedule of records" means a Schedule 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 the particular subject-matter and it includes the 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 the pursuance of the provision of sub section (1) of section 5 of the Act, nominate one of its officers, not below the rank or grade of a Section officer, as the Records Officer. A copy of such office order shall be forwarded to the Director or head of the Archives, as the case may be. Archivist of the District Record Room where the post of Archivist is created shall work as the Record Officer. Archivist will be incharge officer of District Record Room.

4. Maintenance of standing guard files.

- The Records Officer shall be responsible for maintaining and keeping a standing guard files and proper record according to the directions issued by the Director or Head of the Archives, 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 or Head of the Archives, as the case may be.

5. Acceptance of public records of permanent nature.

(1)The Director or Head of the Archives, as the case may be, shall accept for deposit and preservation of public records of permanent nature which have been retained after recording by the Record Creating Agency in its records room for the last twenty five years or more.(2)Records Officer shall intimate to the Director or Head of the Archives, as the case may be, each year before 31st day of January, in Form-1, the particulars of all public records of permanent nature of which appraisal have to be made during that year.(3)On receipt of an intimation under sub-rule (2), the Director or the Head of the Archives, as the case may be, through his officers, shall assist the Records Officers in conducting the appraisal of the 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 preservations with the Director or the 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 a 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 or the Head of the Archives, as the case may be.

6. Withdrawal of public records.

(1) If public records deposited and preserved with the Director or the Head of the Archives, as the case may be, is required by the Records Creating Agency for any official purpose, the Records Officer shall send a duly signed and stamped requisition slip in Form-3 to the Director or the 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 Records Creating Agency.

7. Downgrading of the classified records.

(1) The Records Creating Agency shall, by office order authorise an officer not below the rank of the Under Secretary/Deputy Collector to the Government of Bihar to evaluate and down grade the classified records being maintain by it. A copy of such office order shall be forwarded to the Director 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 to be of permanent nature, the same shall be deposited and preserved with the Director or the Head of the Archives, as the case may be, after its appraisal. (4) The records deposited under this rule may be requisitioned for any official purpose and returned to the Director or the 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 or Head of the Archives, as the case may be of the action taken for evaluation and down gradation classified records.

8. Submission of Annual Report.

(1) The records officer nominated under rule 3 shall furnish to the Director 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 or Head of the Archives, as the case may be, shall, there after, submit a report of the action taken by the Records Officer in pursuance to the provisions of clauses (a) to (k) of sub-section (1) of section 6 of the Act to the Cabinet Secretariat Department of the Government every year.

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 Records 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 the any Record 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 yearly report in respect of recording, indexing, reviewing and weeding of records to the Director or Head of the Archives, as the case may be in Form-7.(5)Records shall be destroyed either by burning or shredding in the presence of records officer.(6)No records created 100 years ago shall be destroyed except where in the opinion of the Director or the Head of the Archives as the case may be, it is so defaced or is in such condition that it cannot be put to archival use.

10. Access to private records.

(1)Records acquired from private sources by way of gift or purchases or otherwise shall be made available for study, subject to the conditions laid down by the donor.(2)Research scholar shall submit an application in Form-8 to the Director or Head of the Archives, as the case may be, for permission to study the records. The Director or Head of the Archives, as the case may be, may refused such permission in public interest and for reasons to be recorded on the said application.(3)Wherever microfilm rolls or digital images may be available, the original records shall not be supplied for study to the research scholars. No copy of any records shall be made by anyone without the prior permission of the Director 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 study 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 study the public records shall apply to the Director or head of the Archives, as the case may be, in Form-8. The Director 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)such foreign national intending to study the public records may be permitted only on the production of the letters of introduction from their sponsoring institution and diplomatic Mission;(iii)records, maps and cartographic records relating to External affairs and Nepal may be made available for study keeping in view the security and defence of India and its states territories; Provided that the Director or Head of the Archives, as the case may be, refuse such study;(iv)wherever microfilm rolls or digital images may be made available, the original records shall not be supplied for study to research scholar;(v)scanning, digital photographs facilities may be made available on submission of an application in Form-9 and for such services, the applicant shall have to make the payment of such service charges as may be fixed by the Director or Head of the Archives, as the case may be, from time to time;(vi)such person who study the public records for the purpose of research and publishes the such work which is based upon the material taken from said records, may acknowledge the same and definitely deposit a copy.(2)such person, who intends to study the public records, shall not-(a)write and put any mark or indications on public records;(b)fold, tear, cut, crease, or otherwise damage or mutilate public records;(c)remove any public records without obtaining the permission from the Director or head of the Archives, as the case may be;(d)be allowed to take any eatable or drinking products or smoking at the time of study the public records;(e)place anything or objects on any public records with a view to make out any copy of the said records;(f)disturb or interrupt any other person at the time of study the public records; and(g)behave in such manner which, in the opinion of the Director 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 Archival Advisory Board.

- The members of the Archival Advisory Board nominated by the Government of Bihar under clause (d) of sub-section (2) of Section 13 shall be entitled to obtain travelling allowance and daily allowance for attending the meetings of the Archival Advisory Board at the rates admissible to Group 'A' officers of the Government of Bihar. Form-1 [See sub-rule (2) of rule 5] Particulars of records of permanent nature due for appraisal during the year

Total number of files of 'A' & 'B' categories lying in the records rooms of the Records Creating Agencies	Total numbers of file of 'A' & 'B' categories transferred to records room by the sections during the period under report	Total No. of files referred to under column 1 and 2	Total No. of files due for appraisal	Remarks if any
1	2	3	4	5

Signature and seal of the records officer Form-2 [See sub-rule (3) of rule 5] Transfer List Name of the Records Creating Agency i.e. Department/Divisional Office/Collectorate/Public Undertaking etc.: Name and particulars of the record officer: Name of the Branch/Section: Year: S.No. File No. Subject matter of the files Remarks, if any

Signature and Seal of the records officer Form-3 [See sub-rule (1) of rule 6] 'Requisition slip' Name of the Records Creating Agency (i.e. Department/Divisional Office/Collectorate/Public Undertaking etc.): Name and particulars of the Records Officer: Particulars of records or File No. requisitioned: Purpose for which required: Undertaking by the records officer- I..... hereby declare that the records/file requisitioned shall be returned to the Director/the head of the Archives before the expiry of six months as required as under sub-rule (2) of rule 6. Date Signature and Seal of the records officer Form-4 [See sub-rule (5) of rule 7] (Half Yearly Statement of periodical review of classified records)

Total No. of the classified records lying at present in the organizations	No. of classified records due for reviewing	No. of files reviewed and down graded during the period under report	Remarks
---	---	--	---------

Signature and seal of the records officer Form-5 Form for the submission of Annual Report to Director of Archives/head of the Archives [See sub-rule (1) of rule 8]

1. A. Setting up organized Departmental Records Room- whether your organization has set up an organized Records Room, and if so; is the space sufficient?

B. Nomination of Records Officer- whether your organization has nominated an officer as Departmental Records Officer, and if not, give reason's?C. Training of Records Officer and Staff:-(i)Whether Departmental Records Officer has received training in Records Management?(ii)Whether the junior staff working in the Departmental Records Room are trained in various aspects of Records Management?(iii)If not, are you willing to avail training facilities existing at National Archives of India.D. 1. Sharing of space for housing semi- current records at Bihar State Archives/Regional Archives:-(i)Whether your organization is willing to share space at Bihar State Archives//Regional Archives?(ii)If yes, please state bulk of records proposed to be transferred.

2. Periodical recording, reviewing and weeding out of semi-current records:

(i)Whether your organization has taken steps for recording, reviewing and weeding out of ephemeral records?(ii)Indicate the total number of records recorded, reviewed and weeded out during the period under report.

3. Appraisal of Non-Current records:-

(i)Whether your organization has initiated action to get non-current records appraised in consultation with Bihar State Archives?(ii)State the total bulk of records awaiting appraisal.

4. Compilation/Revision of Retention schedule of Records:- (i) Whether your organization has compiled Records Retention Schedule of substantive functions in consultation with Bihar State Archives and if not what action do you proposed to take?

(ii)Has your organization taken steps to revise the above schedule after five years?

5. Periodical review of classified records:- (i) Whether your organization has de-classified the classified records during the period under report?

(ii)If not, state reasons?

6. Compilation of Annual Indices to Records:- (i) Whether your organization has compiled annual indices?

(ii)State inclusive years with the name of the series?

7. Compilation of Organizational history:- Has your organization compiled organizational history reflecting various functions along with the date their creation and if so furnish a copy to Bihar State Archives.

8. Records of Defunct Bodies:- (i) Whether your organization has got records of defunct bodies, give details?

(ii) If yes, what action have you initiated for their transfer to Bihar State Archives? Form-6 [See sub-rule (3) of rule 9] Particulars of records destroyed during the year.....

Sl. No. File Nos. Subject of the files Remarks

Signature and seal of the records officer Form-7 [See sub-rule (4) of rule 9] Quarterly report on recording, indexing, reviewing and weeding of records during the quarter ending.....

Sl.No.	Total numbers of files recorded	Total number of files indexed	Total number of files reviewed	Total number of files weeded out, if any	Remark's
1	2	3	4	5	6

Signature and seal of the records officer Form-8 [See sub-rule (2) of rule 10 and clause (i) of sub-rule (1) of rule 11] (Applications form for permission to consult records) To, The Director of Archives Bihar State Archives Jawaharlal Nehru Marg, Patna-800001 Sir, I hereby apply for enrolment as a research scholar for consulting records in the Research Room of the Bihar State Archives. I agree to comply with the rules and conditions in force and promise to deposit a copy of each of my work based on the materials consulted at the Bihar State Archives immediately after the publication.

1. Name, including Surname: Sh., Smt./Km./Dr. :

2. Father's/Husband's Name :

3. Date of Birth :

4. Qualifications :

5. Nationality :

6. Profession :

7. Subject of Research :

8. University/Institutions registered with :

9. Period for which admission is sought :

10. Signature and Date :

11. Address (i) Local :

(ii)Permanent :(iii)Email Id:(iv)Mobile/Telephone No. :Particulars of records to be consulted :

Department Period Remark's

1

2

3

4

Scholars are requested to attach a letter of recommendation from their University/Institution/Department. However, the foreign scholars are requested to bring a letter of accreditation carry a valid photos identity proof from the diplomatic representatives of their country in India as well. Form-9[See clause (v) of sub-rule (1) of rule 11]Applications for Reprographic/Transcription facilities To, The Director of Archives Bihar State Archives Patna Sir, Kindly supply me Microfilm (NFG/POS) Photo Copies/Plain Paper Copies/scanned Images/transcripts of the material(s) indicated in the enclosed list for my research/publication/University. The material is from the Ministry(s)/Department(s) of _____ It consists of _____ items and covers the period from _____ to _____

1. I declare that the above material is for my research/publication/University.

2. I undertake to pay the charges as per schedule of rate prevailing at the time of completion of work. I understand and accept that the estimated cost, when supplied is only tentative and the rates are also liable to revision without notice.

3. The photocopies/transcripts supplied will not be sold/transferred to any other person without prior permission of the Director of Archives.

4. The material, if published, will be suitably acknowledged and provisions of copyright, were applicable, will be complied with.

5. I hereby deposit a sum of Rs. as advance.

Yours faithfully, Signature : Permanent Address (in block letters) Name (in block letters) Local
Address For Office Use Advance received vide receipt No. _____
dated _____ for Rs. _____ Service
charges have come to Rs. _____ Balance receipt vide Receipt No.
_____ dated _____ Rs.
_____ Cleared for photo copying transcription subject to following
:(1)-----Signature and seal of the records officer Date