

# **Destruction of Records Act, 1917**

UNION OF INDIA

India

## **Destruction of Records Act, 1917**

### **Act 5 of 1917**

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Destruction of Records Act, 1917 Act No. 5 of 1917

### **1501.**

Object and Reason.-In present conditions documents are required to be placed in the custody of Government officers under a large number of enactments. In many of these Acts no provision exists for the destruction of documents lodged with the Registrar of Joint Stock Companies under the Registration of Societies Act, 1860, the Provident Insurance Societies Act, 1912, the Indian Life Assurance Companies Act, 1912, and the Indian Companies Act, 1913; nor could such papers be dealt with under the Destruction of Records Act, 1879, as it stands. It is accordingly proposed to repeal and re-enact the Act of 1879 so as to make it conform to modern requirements. The principal feature of the draft Bill is that it empowers certain authorities to frame rules for the disposal by destruction or otherwise of documents which they may consider not of sufficient public value to justify preservation, and provides for the delegation to subordinate officers of the rule-making power already vested in the High Court and the Chief Controlling Revenue authorities by Act III of 1879 will not be affected by this Bill. To avoid overlapping, it is proposed to repeal the provisions of the enactments mentioned in the Schedule.[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. [It extends to the whole of India except [the territories which immediately before the 1st November, 1956 were comprised in Part B States.] [Inserted by the A.L.O. 1950 ].]

Andhra Pradesh :For the expression "except the territories which immediately before the 1st November, 1956 were comprised in Part B States", substitute "other than the territories specified in sub-section (1) of section (3) of the States Reorganisation Act, 1956." - See Andhra Pradesh Act 3 of 1962, section 3(7-2-1962)Madhya Pradesh :After the word "Part B States", and "other than the Madhya Bharat and Sironj regions of the State of Madhya Pradesh." - See M.P. Act 21 of 1955, section 3(2) and Schedule (15-2-1966).Mysore (Karnataka) :Add at the end "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)" - See Mysore Act 03 of 1963, section 3(17-1-1963).

## **2. Definitions.-**

Rep. by the A.O., 1937.

## **3. 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 to 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 sub-ordinate thereto,-the High Court;(b)in the case of documents in the possession or custody of Revenue Courts and officers,-the Chief Controlling Revenue-authority, and(c)in the case of documents in the possession or custody of any other public officer,-(i)[ if the documents relate to purposes of a [State] [Substituted by the A.O. 1937 for "the L.G., or any officer specially authorized in that behalf by the L.G."], the [State Government] [Substituted for the word "Province Government" by A.L.O., 1950 ] 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.](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 Government shall be subject to the previous approval of the [State Government] [Substituted by the A.O. 1937 for the original sub-section.]; 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.]

Uttar Pradesh:In sub-section (2)-(a) after clause (a) the following clause shall be deemed to be inserted, namely-(aa) in the case of judicial documents in the possession and custody of Revenue Courts and officers - the Board of Revenue.(b) in clause (b) before the word 'document' the word 'non-judicial' shall be deemed to be inserted. - U.P. Act 12 of 1922, section 2 and Schedule (1-4-1923).

## **4. Validation of former rules for disposal of documents.-**

All rules and orders directing or authorizing the destruction or other disposal of documents in the possession or custody of any public officer, heretofore made by a [State Government] [Substituted for the word "Province Government" by A.L.O., 1950 ], or with the approval of the [State

Government] [Substituted for the word "Province Government" by A.L.O., 1950 ] 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 authorize 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).THE SCHEDULERepeal of Enactments.-[Repealed by the Repealing Act, 1927, s.2 and Schedule.]