

# Legislative Support for Records Management in Andhra Pradesh

## What is records management?

Records management is the task of ensuring that recorded information, both paper and electronic, is managed economically and efficiently. Records management controls the creation, maintenance, use, and disposal of records so that the right records are provided to the right person at the right time. For an effective record keeping regime it is imperative to focus on three Ms, these are:

- Management
- Monitoring
- Maintenance

## Records Management

A properly managed records system ensures speedy retrieval of records, either electronic or paper. The system should enable destruction of unwanted records and transfer of records of archaic value to the archives. It should enable the effective and efficient use of the available space keeping in view the price to be paid for the space used by the records and accountability requirements of the organization. This would ensure efficiency and economy in the management of records by eliminating duplication, systematising retention and disposal, and improving access to records and archives. These steps would go a long way in enhancing sound decision making and supporting effective programme and service delivery, accountability, transparency, and citizens' rights.

To achieve the goal of having an effective records management system it is necessary to enact and implement comprehensive legislations to regulate the life-cycle, management of records and archives, irrespective of medium and format, designating a single authority to oversee the process and assigning clear responsibility for actions at each stage. Government of India enacted the "Public Records Act, 1993" and "Information Act, 2002" and both these Acts lay down the principles for managing, maintaining and monitoring records in Government departments.

The "Information Act, 2002" among other things lays emphasis on the following points:

- By providing freedom to every citizen to secure access to information under the control of public authorities, in order to promote openness, transparency and accountability in administration and in relation to matters connected therewith or incidental thereto, the bill underlines the importance of having an effective records management program in every Government office.
- Every public authority shall maintain all its records, in such manner and form consistent with its operational requirements duly catalogued and indexed.
- A person desirous of obtaining information shall make a request in writing or through electronic means, to the concerned Public Information Officer specifying the particulars of the information sought by him. Provided that where such request cannot be made in writing, the Public Information Officer shall render all reasonable assistance to the person making the request orally to reduce it in writing.
- Where a request for access to information is rejected or the concerned applicant is aggrieved, the citizen has a right to appeal.

The “Public Records Act, 1993” assigns a range of responsibilities to the records officer in relation to proper arrangement, maintenance and preservation of public records under his charge. The records officer must undertake:

- Periodical review of all public records and weeding out of public records of ephemeral value;
- Appraisal of public records which are more than twenty-five years old in consultation with the National Archives of India or, as the case may be, the Archives of the Union territory with a view to retaining public records of permanent value;
- Destruction of public records in such manner and subject to such conditions as may be prescribed under sub-section (1) of section 8;
- Compilation of a schedule of retention for public records in consultation with the National Archives of India or, as the case may be, the Archives of the Union Territory;
- Periodical review for downgrading of classified public records in such manner as may be prescribed;
- 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 maintenance of security of public records;
- Compilation of annual indices of public records;
- Compilation of organisational history and annual supplement thereto;
- Assisting the National Archives of India or, as the case may be, the Archives of the Union territory for public records management;

Apart from the above main responsibilities, the Records Act details several other aspects of the role of the records manager. After the passing of the Information Act and Records Act by Government of India, the need to revise the entire process of records management has arisen. The current systems are not geared to handle the function of records management effectively and efficiently.

With the passing of the Information Act, the right to get information from the public authority is ensured by Statute. This obligation to share information with the citizen places additional responsibility on the public officers to manage, maintain and monitor records efficiently and effectively.

The main concepts that govern the care of records and archives are:

- I. Records must be arranged according to the agency responsible for their creation or birth, in the original order established at the time of their creation. Knowing who created or used a record, and why, when, and where is the key to retrieval rather than their format, subject matter or content.
- II. “Records follow a ‘life-cycle’, in that they are created for use for so long as they have continuing value and are then disposed of by destruction or by transfer to an archival institution”( World Bank, 2000, pp 17). In this life-cycle, records pass through three main phases:
  - Current-phase;
  - Semi-current phase—records are used infrequently in the conduct of daily business and are maintained in a records centre;
  - Non-current phase—records are destroyed unless they have a continuing value which merits their preservation as archives.
- III. Records should be managed through a coherent and consistent continuum of actions from the development of record keeping systems, through the creation and preservation of records to their use as archives. “The continuum concept suggests that .....actions continue or recur throughout the life of a record: identification of

records; intellectual control; provision of access; and physical control” (World Bank, 2000, pp 17). It is the management of this continuum of actions that provides the need for a strategic approach to records management. A lack of continuum approach might result in vast quantities of enactive paper based records clogging up expensive office space making it virtually impossible to retrieve essential information.

If the foregoing were to be applied to the records management state of affairs in Andhra Pradesh, it would be just to say that maintenance of public records in AP is far from satisfactory. This is mainly due to the fact that there is no legislation in AP to monitor, maintain, and manage public records resulting in images as below.



In order to streamline the Record management practices and keeping in view the intention of the Government to guarantee the right to information to its citizens, an Act to establish an Advisory Board, and Department of Records and Archives and rules for providing proper maintenance, management and monitoring of **Records** is proposed here. The power to enact such legislations is available under List II of seventh schedule of the Indian Constitution:

### **List II**

“12. Libraries, museums and other similar institutions controlled or financed by the State; ancient and historical monuments and records other than those declared by or under law made by Parliament to be of national importance.”

The Government of Andhra Pradesh is, therefore, vested the constitutional power to bring legislations to improve the Public Records Management practices in the state. The proposed enactment is more comprehensive and deals with the entire life cycle of records created in public offices. The following legislation is being proposed after studying legislations on Records Management practices in US, UK, Australia, and other countries.

## **ANDHRA PRADESH PUBLIC RECORDS AND ARCHIVES MANAGEMENT ACT**

Government of India enacted an Act to regulate the Management, Administration, and Preservation of public records. There is no legislation in AP to monitor, maintain, and manage public records. Maintenance of public records in AP is far from satisfactory. In order to streamline the Record Management practices and keeping in view the intention of the Government to guarantee the right to information to its citizens the following Act is proposed.

**An Act to establish the Records and Archives Management Department to provide for proper administration and better management of public records and archives throughout their life cycle.**

WHEREAS it is necessary to improve the arrangements for the life-cycle management of public records and archives of the Government of Andhra Pradesh as an essential component of effective administration and accountable Government;

AND WHEREAS to ensure that public offices create adequate records of their actions and transactions that those records are properly maintained for so long as there is a continuing need for them;

AND WHEREAS that the disposal of those for which there is no further need is destroyed in an authorised and timely manner; and to identify and safeguard those records which are of enduring value and which should be preserved as archives and made available for public consultation.

### **Chapter 1**

1. This Act may be cited as the Records and Archives Management Act 2003 and shall come into operation on such date as the Governor of Andhra Pradesh may, by notice published in the Official **Gazette appoint**

2. In this Act, unless the context otherwise requires:

“**Advisory Board**” means the Records and Archives Management Advisory Board;

“**Archives repository**” means a building or part of a building in which archives are preserved and made available for consultation;

“**Archives**” means records of enduring value selected for permanent preservation;

“**Current records**” means records regularly used for the conduct of the current business of an institution or individual;

“**Department**” means the Records and Archives Management Department established under section 5 of this Act;

“**Director**” means the Director of the Records and Archives Management Department;

“**Heads of public offices**” means all public officers or other persons responsible for directing public offices;

“**National Archives**” means the archival repository in which archives of the central institutions of the Government of India are preserved and made available for consultation;

“**Non-current records**” means records no longer needed for current business;

“**Place of deposit**” means a place appointed as such under section 15 of this Act;

“**Private records**” means records other than public records specified in the Schedule to this Act;

“**Public offices**” means an institution, body or individual which creates, receives, or maintains public records;

“**Public records**” means any document, manuscript and file; any microfilm, microfiche and facsimile copy of a document; any reproduction of image or images embodied in such microfilm (whether enlarged or not); and any other material produced by a computer or by any other device, of any records creating agency;

“**Records**” means recorded information regardless of form or medium created, received and maintained by any institution or individual in the pursuance of its legal obligations or in the transaction of its business and providing evidence of the performance of those obligations or that business;

“**Records centre**” means a building designated for the low-cost storage, maintenance and communication of semi-current records pending their eventual disposal;

“**Retention and disposal schedule**” means a document describing the recurring records of an institution or an administrative unit thereof, specifying which records should be preserved permanently as having enduring values as archives and authorising on a continuing basis and after the lapse of retention periods or the occurrence of specified actions or events, the disposal by destruction or other means of the remaining records;

“**Semi-current records**” means records required only infrequently for the conduct of current business; for the purposes of this Act files and other assemblies of records on which no action has been recorded for three years shall be regarded as semi-current records.

3. This Act shall extend to all the public offices of Government of Andhra Pradesh, all public undertakings, local bodies and all other institutions of Government which are in receipt of grants from the Government of Andhra Pradesh.

4.

(1) Any period of time specified by this Act shall run from the first day of January in the next year after that in which the records were created.

(2) Where records created on different dates are for administrative purposes kept together on one file or other assembly all the records on that file or assembly shall be treated for the purposes of this Act as having been created when the latest of those records was created.

## Chapter 2

### RECORDS AND ARCHIVES MANAGEMENT DEPARTMENT

5.
  - (1) There shall be established a Records and Archives Management Department (hereinafter referred to as “the Department”) for the State of Andhra Pradesh;
  - (2) The Records and Archives Management Department shall have an official seal of a design approved by the State Government;
  - (3) The Director of the Department shall be responsible to the Government who shall be advised by the Records and Archives Management Advisory Board (hereafter referred to as “the Advisory Board”).
  
6.
  - (1) The Department shall contribute to the efficiency, effectiveness and economy in maintenance of records of the Government of Andhra Pradesh;
    - (a) ensuring that public offices follow good record keeping practices;
    - (b) establishing and implementing procedures for the timely disposal of public records of no continuing value;
    - (c) advising on best practices and established standards in recordkeeping in the public service; and
    - (d) establishing and implementing procedures for the transfer of public records of enduring value for preservation in the Archives or such other archival repository as may have been established under this Act;
  - (2) The Department shall preserve and make available for consultation public records selected for preservation in the Archives or any other archival repository under the control of the Director;
  - (3) The Department shall occupy and utilise such buildings as may be necessary for the discharge of its functions and these shall include records centre or centres for the proper keeping of semi-current records. Public offices may set up their own records centre for the proper keeping of semi-current records subject to the approval of the Director who shall have a right to inspect such centers;
  - (4) The Department shall be entitled to receive one copy of every publication produced by the Departments of Government and higher court and every publication and dissertation produced on the basis of archival research carried out in the state, without making any payment in respect of such publications and dissertations.
  
7.
  - (1) There shall be established a Records and Archives Management Advisory Board for the Department referred to in this Act as the Advisory Board.
  - (2) The Advisory Board shall consist of—
    - (a) a Chairman appointed by the Government;
    - (b) the Director of the Department;
    - (c) the Director of the National Archives of India, or his nominee;
    - (d) one member representing the Ministry responsible for finance;
    - (e) one member representing the Ministry responsible for legal affairs;
    - (f) one member representing the Ministry responsible for education and culture;

- (g) not more than five other members of which
    - (i) one member shall be from the Assembly;
    - (ii) two women members appointed by the Government who have experience and ability in records management or archival research or such other experience or qualifications to enable them make a useful contribution to the work of the Advisory Board;
  - (3) The appointed members of the Advisory Board shall serve for a term of three years and shall be eligible for re-appointment for one further term;
  - (4) The Advisory Board shall be responsible for—
    - (a) advising the Government generally on matters relating to the management of the public records and archives of the State Government;
    - (b) advising and supporting the Director of the Records and Archives Management Department;
    - (c) such other matters as this Act may specifically assign to it or the Government may direct;
  - (5) The advisory Board shall meet as often as it considers necessary, but not less than once a year;
  - (6) The quorum of its meetings shall be seven members;
  - (7) Members of the Advisory Board shall elect one of its members to be a Vice-Chairman and the Advisory Board shall regulate its own meetings;
  - (8) Members of the Advisory Board shall be paid such allowance as may be determined by the Government.
- 8.
- (1) There shall be a Director of the Records and Archives Management Department and the office of the Director and of other staff of the Records and Archives Management Department and they shall be officers in the service of the Government of Andhra Pradesh;
  - (2) The Director shall be responsible for-
    - (a) implementing the general policy established by the Government;
    - (b) management of the day-to-day activities of the Department;
    - (c) such other matters as this Act may specifically assign to him or the Government may direct;
  - (3) Within six months after the end of each fiscal year the Director shall submit to the Government a report on the activities of the Department during that year;
  - (4) The Director and any person acting on his behalf or under his direction who requires to have access to or custody of public records which are classified as confidential or secret shall satisfy any security requirements applicable to, and take any oath of secrecy required to be taken by any person who normally wants to have access to such public records.

## Chapter 3

### RESPONSIBILITIES

9.

- (1) Heads of public offices shall be responsible for creating and maintaining adequate documentation of the functions and activities of their respective public offices through the establishment of good records keeping practices, including
  - (a) creating and managing current records within appropriate filing systems;
  - (b) drafting retention and disposal schedules relating to records specific to each public office, with the assistance of the Director of the Department;
  - (c) implementing retention and disposal schedules issued in accordance with paragraphs (d) and (e) of section 11 of this Act;
  - (d) transferring semi-current records into the custody of the Director, except in so far as they may remain classified as confidential or secret on grounds of-
    - (i) national security;
    - (ii) maintenance of public order;
    - (iii) safe guarding the revenue;
    - (iv) protection of personal privacy;
- (2) Appointing a qualified officer who shall be a coordinator of records management activities in the department or ministry.

10. Heads of public offices shall be responsible for co-operation with the Director in the management of semi-current records and in particular for -

- (a) maintaining the integrity of all semi-current records returned temporarily under paragraph (b) of section 12 of this Act;
- (b) approving access by third parties, other than authorised personnel of the Department and of the public office which created them or its successor in function, or as provided for in subsection (4) of section 6 of this Act;
- (c) maintaining semi-current records whose transfer has been deferred under paragraph (d) of section 9 of this Act in conditions comparable to those provided by the Director in records centers under his control;
- (d) implementing retention and disposal schedules relating to semi-current records whose transfer has been deferred under paragraph (d) of section 9 of this Act and transferring records of enduring value into the custody of the Director or to such other place of deposit as may have been appointed under section 15 of this Act, not later than thirty years from their creation, except in so far as further deferment of transfer for a specified period may have been approved by rules made in accordance with section 28 of this Act.

11. The Director shall be responsible for the coordination of record keeping work in public offices, parastatal organisations with powers of inspection, and in particular for-

- (a) providing professional assistance, advice and guidance on the establishment and management of filing systems;
- (b) establishing and ensuring compliance with standards for the management of public records;

- (c) making arrangements for the necessary training of records staffing public offices;
  - (d) drawing up general retention and disposal schedules for approval and issue by the Ministry, which schedules shall be sufficient authority for taking the action specified at the due date;
  - (e) agreeing with the heads of public offices retention and disposal schedules relating to records specific to each such office for approval and issue by the Government which schedules shall be sufficient authority for taking the action specified at the due date;
  - (f) ensuring that the provisions of retention and disposal schedules are implemented;
  - (g) authorising the disposal of public records other than as provided for by retention and disposal schedules;
  - (h) ensuring that retention and disposal schedules are reviewed and amended periodically as may be necessary, the review of each schedule to take place 10 years after it was issued or earlier, at the Director's discretion.
12. The Director shall accept custody of semi-current records which have been scheduled for further retention and shall in particular-
- (a) maintain such records within a records centre and provide therein-
    - (i) separate and secure storage accommodation for the maintenance of semi-current records which are classified as confidential or secret;
    - (ii) facilities for the consultation of semi-current records by duly authorised officers of the public office which created them or its successor in function;
  - (b) return semi-current records temporarily from his custody to the public office which created them or to its successor in function for the purposes of current administration;
  - (c) implement retention and disposal schedules in respect of semi-current records in his custody;
  - (d) appraise and dispose appropriately of semi-current records which are in his custody and are not covered by disposal schedules;
  - (e) arrange the transfer of records of enduring values into his custody or to such other place of deposit as may have been appointed under section 15 of this Act not later than twenty years from their creation;
  - (f) inspect and advise the Government of the suitability of premises in which it is proposed that records whose transfer has been deferred under subsection 9(d) above should be held.

### **Responsibility for Maintenance of Records**

13.

- (1) The Director shall be responsible for the preservation of all public records of enduring value other than any whose transfer may have been deferred under paragraph (d) of section 10 of this Act or which are held in a place of deposit appointed under section 15 of this Act, and shall in particular –
  - (a) take charge of the Archives;
  - (b) provide therein and in any other archival repositories under his control suitable conditions for the preservation and consultation of their holdings;

- (c) arrange and describe those holdings and provide appropriate guides, lists, indexes and other finding aids to facilitate access to them;
  - (d) ensure that reasonable facilities are available to the public for inspecting and obtaining copies of public records in the Archives or any other archival repository under his control, in so far as such records are open to inspection under section 16 of this Act;
  - (e) ensure that reasonable facilities are available to duly authorised officers of the public office which created them or its successor in function for inspecting and obtaining copies of public records in the Archives or any other archival repository under his control;
- (2) The Director may do all such things as appear to him necessary or expedient for maintaining the utility of the Archives and any other archival repository under his control, and may in particular –
- (a) prepare publications, and sell them and other publications or publications or objects related to the public records;
  - (b) prescribe rules to be observed by those wishing to consult public records in the Archives or any other archival repository under his control;
  - (c) arrange exhibitions and lend public records for exhibitions elsewhere subject to conditions which he may specify, except that loans outside the Andhra Pradesh may not be made without the assent of Government on the advice of the Advisory Board;
  - (d) dispose of public records in his custody if it seems to him that they are not of enduring value, subject to the agreement of the head of the public office in which they were created or its successor in function or of Government on the advice of the Advisory Board;
  - (e) accept private records for safekeeping and acquire private records by gift, bequest or deposit;
  - (f) enter into arrangements with other institutions for the joint management of conservation and restoration, reprographic or other technical facilities.
- 14.
- (1) The Director shall establish a network of branch offices of the Department each serving one or more regions of Andhra Pradesh;
  - (2) The head of each such branch office shall be responsible to the Director for implementing the general policy of government in respect of public records of local authorities in the regions which that branch office serves;
  - (3) In respect of public records created, received and maintained by local authorities, the responsibilities set out under section 9 and 10 of this Act shall be those of the heads of such local authorities and the responsibilities set out under sections 11, 12 and 13 shall be those of the heads of the appropriate branch offices of the Department;
  - (4) Records centres and archival repositories established in the regions shall be regarded as being under the control of the Director of the Records and Archives Management Department and the public records therein as being in his custody for the purposes of this Act;
  - (5) Where there is no archival repository within the regions served by a branch office of the Department, the Director may direct the transfer of archives to the Archives or to any other archival repository under his control until such time as an archival repository to serve those regions may be established.

15.

- (1) Where it appears to the Government on the advice of the Advisory Board that a place other than the Archives or another archival under his control until such time as an archival repository to serve those regions may be established-
  - (a) afford suitable facilities for the safekeeping and preservation of public records of permanent value and for their consultation by the public; and
  - (b) is adequately and independently funded for those purposes, he may appoint it as a place of deposit for specified public records;
- (2) Before the Government makes such an appointment, and periodically thereafter, the Director shall inspect the proposed place of deposit and report to the Government and the Advisory Board on its suitability;
- (3) The authority responsible for the public records in a place of deposit shall prepare appropriate guides, lists, indexes and other finding aids to those records and submit copies to the Director;
- (4) If a place of deposit fails to maintain facilities or to submit copies of its finding aids or ceases to be adequately funded, the Minister on the advice of the Advisory Board may revoke its appointment.

## **Chapter 4**

### **ACCESSIBILITY OF RECORDS**

16.

- (1) Subject to any written law prohibiting or limiting the disclosure of information in any public record, public records in the Archives, in any other archival repository under the control of the Director or in a place of deposit appointed under section 15 of this Act, shall be available for public inspection after the expiration of a period of thirty years from their creation, calculated as prescribed in subsection (2) of section 4 of this Act, except in so far as a longer or shorter period may have been prescribed by the Government by rules made in accordance with section 28 of this Act at the request of the head of the public office which created the records or its successor in function;
- (2) At the expiration of the period of thirty years prescribed in subsection (1) above, any records which have been classified as confidential or secret shall cease to be so classified and to be subject to the National Security Act except in so far as they may fall into the categories specified in subsection (3) and a longer period than thirty years has been prescribed under subsection (1);
- (3) A longer period than thirty years may be prescribed under subsection (1) only when there is a continuing need to restrict public access on grounds of –
  - (a) national security;
  - (b) maintenance of public order;
  - (c) safeguarding the revenue; or
  - (d) protection of the privacy of living individuals;
- (4) Public records to which members of the public had access before transfer into the custody of the Director or to a place of deposit appointed under section 14 of the Act shall continue to be open to public inspection irrespective of their age.

## Chapter 5

### FINANCES

17. The funds of the Department shall include-
- (1) any sums which may be appropriated by Government for the purposes of the Department;
  - (2) any sums which may be payable to the Department by way of donations, gifts or bequests;
  - (3) any sums which may accrue to the Department by way or sales fees or other payments for services rendered by the Department.
18. Fees may be charged for the supply of copies, the certification of copies, the consultation of records and the provision of other services by the staff of the Department. Such fees shall be as prescribed by rules made under section 28 of this Act, under which it may authorise the remission or reduction of the fees in prescribed cases.
- 19.
- (1) The Director shall cause to be kept proper books of accounts and records in respect of the receipt and expenditure of funds accruing to the Department;
  - (2) The book and accounts of the Department shall be audited each year by the Office of the Controller and Auditor General.
20. The Director shall, not later than three months before the end of each financial year, prepare and submit to the Government details estimates of income and expenditure of the Department for the next financial year.

## Chapter 6

### PENALTIES

21. Any person who removes any public record from a public office without proper authorisation or who destroys any public record except as provided for in sections 9 to 13 of this Act or who willfully mutilates any public record in a public office, in the Archives or any other archival repository under the control of the Director or in a place of deposit appointed under section 15 of this Act, commits an offence and is liable on summary conviction to a fine not exceeding five thousand rupees or to imprisonment for a term not exceeding twelve months.
22. Any person who contravenes the provisions of section 27 of this Act commits an offence and shall be liable on summary conviction to a fine of five thousand rupees or to imprisonment for a term not exceeding twelve months or to both. Such fine and records or documents shall be put at the disposal of the Director, who may take them into his custody, whereupon the provisions of this Act relating to public records shall have effect on any records which are not already public records.

## Chapter 7

### LEGAL SANCTIONS

23.

- (1) The legal validity of any public record shall not be affected by its removal under the provisions of this Act, to the custody of the Director or to a place of deposit appointed under section 15 of this Act;
- (2) A copy of or extract from a public record in the custody of the Director examined and certified as a true and authentic copy by an officer authorised by him and bearing the seal of the Department shall be admissible as evidence in any proceedings without any further or other proof thereof if the original record would have been admissible as evidence in those proceedings.

24.

- (1) In making available for inspection or providing copies of public records in his custody, the Director shall not be in breach of any private copyright therein;
- (2) The provision of copies of public records by the Director does not involve the transfer of any copyrights therein to the recipients;
- (3) The public action of facsimile copies, verbatim transcripts or literal translations of public records in the custody of the Director in which copyright of the Government subsists is prohibited except with the consent of the Director and subject to such conditions as he may require and to the payment of such fees as may be prescribed by rules made in accordance with section 28 of this Act.

25. Public office shall deposit in the Archives two copies of every publication which they issue.

26.

- (1) Where it appears to the Government that any private records, or any part of them, are of national importance, and that it is in the public interest that they be acquired, he may, after consultation with the owner of the private records and subject to the following provisions of this section, acquire them, or any part of them, and declare them to be public records, and pay full and fair compensation in respect of the private records so acquired. The amount of compensation shall be payable in such manner and in such installments as shall be determined by Government.
- (2) For the purposes of section 26 and 27 of this Act, the Director may establish a register of private records and archives.

27.

- (1) The export of public or private record which relate to the State of Andhra Pradesh and are of historical value is prohibited except in accordance with the terms of a license to export issued by the Director with the approval of the Government;
- (2) A license issued under the provisions of subsection (1) shall specify each document to which the license relates and contain such conditions as the Director may prescribe;

- (3) For the purposes of section 26 and 27 of this Act, the Director may establish a register of private records and archives under his control.

28.

- (1) The Government may make rules providing for carrying out the objectives of the Act and such rules may provide for all or any of the following matters:
- (a) the period after which public records of permanent nature may be accepted under clause (e) of section 12;
  - (b) the manner in which and the conditions subject to which public records can be destroyed under clause [c] of section 12;
  - (c) the manner in which periodical review of classified public records for downgrading shall be undertaken under section 12;
  - (d) the manner in which the Heads of Public Offices will report to the Director or the head of the Archives under clause (d) of section 10;
  - (e) the manner in which and the conditions subject to which records of historical or national importance may be made available to research scholar under sub-section (1) of section 13;
  - (f) exceptions and restrictions subject to which public records may be made available to a research scholar under sub-section (1) of section 13;
  - (g) the manner in which and the conditions subject to which any public office may grant to any person access to public records in its custody under sub-section (1) of section 13;
  - (h) the allowances payable to members of the Board under sub-section [vii] of section 7;
  - (i) the matters with respect to which the Board may perform its functions under clause (iv) of section 7;
  - (j) any other matter which is required to be, or may be, prescribed.
- (2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the Legislative Assembly, 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 agree in making any modification in the rule or 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.

29. The Director may defer the acceptance of transfers of semi-current records and archives into his custody if accommodation for them is not available or other arrangements for their reception cannot be made.

## SCHEDULE

Save for the records of the Public which relate to individual trusts or estates, the following are public records:-

- (1) The records and archives belonging to the Government created, received and maintained:
  - (a) in the offices of the Governor and of the Cabinet;
  - (b) by any ministry, department, commission, committee, office or other body under the State Government or by the Minister or any other officer or employee thereof;
  - (c) by any public officer representing the State Government outside the country or any officer serving in such a post;
  - (d) by State Electoral Commission or any committee or officer thereof;
  - (e) by the Court of Appeal, High Court or any other court or tribunal with jurisdiction within Andhra Pradesh or by any Judge, or other officer of such a court;
  - (f) by any local authority or officer thereof;
  - (g) by any predecessor or successor of any of the institutions, bodies or individuals designated in (a)-(g) above;
  - (h) by any other body or individual so designated by the Government by rules made in accordance with section 28 of this Act.
- (2) The records created, received and maintained:
  - (a) by any public corporation or parastatal organisation established by or under any written law other than the Companies or by any official or employee thereof;
  - (b) by any company or other body corporate established under the Companies Act in which the State Government or a public corporation or a parastatal organisation owns 50% or more of the issued share capital or by any official or employee thereof.
- (3) Any private records:
  - (a) taken into custody of the Director under the provisions of section 21(2) of this Act;
  - (b) acquired under the provisions of section 26 of this Act.

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## **ANDHRA PRADESH PUBLIC RECORDS AND ARCHIVES MANAGEMENT RULES-2003**

In exercise of the powers conferred by sub-section (1) of section 28 of the Andhra Pradesh Public Records and Archives Management Act of 2003 the Governor of Andhra Pradesh hereby makes the following rules, namely:

### **1. Short title and commencement:**

- (1) These rules may be called the AP Public Records and Archives Rules, 2003.
- (2) They shall come into force on the date of their publication in the Official Gazette.

### **2. Definitions:** In these rules, unless the context otherwise requires,

- (1) "Act" means the **A P Public Records and Archives Management Act, 2003**;
- (2) "Appraisal" means the evaluation of public records in association with the Director of Archives;
- (3) "Classified records" means the files relating to the public records classified as top-secret, confidential and restricted in accordance with the procedure laid down in the Manual of Departmental Security Instruction circulated by the Ministry of Home affairs from time to time;
- (4) "Custody" means the possession of public records;
- (5) "Defunct body" means a corporate or non-corporate body which has been wound up with no successor to carry on its functions;
- (6) "Declassification" means to downgrade the security classification after their evaluation;
- (7) "File" means a collection of papers relating to the public records on a specific subject-matter consisting of correspondence, notes and appendix thereto and assigned with a file number;
- (8) "Form" means the form appended to these rules;
- (9) "Private records" means records lying in the possession of a private individual or with any non-governmental organisation;
- (10) "Recording" means the process of closing a file after action on all issues considered thereon has been completed;
- (11) "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 public officers in accordance with the retention and disposal schedules prescribed in Act 2003 or District Office Manual, Secretariat Manual, Office Manual Board of Revenue or Instructions on the subject;
- (12) "Retention schedule of records" means a schedule which provides the period of retention;
- (13) "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;
- (14) "Section" means the section of the Act;
- (15) "Standing instruction 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;
- (16) Words and expression 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 head of public office shall by an office order issued in pursuance of the provision of sub-section (2) of section 9 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 of the Records and Archives Management Department.

**4. Maintenance of standing instruction file:** The Records Officer shall be responsible for maintaining and keeping a standing instruction file and proper record of the directions issued by the Director of Archives, as the case may be in pursuance of the provisions of sub-section (f) of section 12 of the Act and shall produce the same for inspection as and when required by the Director of the Archives, as the case may be.

**5. Acceptance of public records of permanent nature:** The Director of the Archives, as the case may be, shall accept for deposit and preservation public records of permanent nature which have been retained after recording by the public officer [creating agency] in its records room for the last thirty years or more.

- (1) Records Officer shall intimate to the Director of the Archives, as the case may be, each year before 31st day of January, the particulars of all public records of permanent nature which are due for appraisal during the year;
- (2) On receipt of an intimation under sub-rule (1), the Director 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 a form prescribed of all public records and deposit the same for preservation with the Director 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;
- (3) If the Records Officer after appraisal deems it necessary to retain any record or file of permanent nature beyond the period of thirty years, he may do so for reasons to be recorded in writing and under intimation to the Director of the Archives as the case may be.

**6. Withdrawal of public records:**

- (1) If public records deposited and preserved with the Director of the Archives as the case may be are required by the public officer [records creating agency] for any official purpose, then the Records Officer shall send a duly signed and stamped requisition slip in form prescribed to the Director 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. Down-grading of classified records:**

- (1) The public officer [records creating agency] shall by an office order authorise an officer not below the rank of the Assistant Secretary to the Government to evaluate and downgrade the classified records being maintained by it. A copy of such office order shall be forwarded to the Director of the Archives;
- (2) The officer so authorised 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 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 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 prescribed shall be furnished by the officer authorised under sub-rule (1) to the Director of the Archives, as the case may be, on the action taken for evaluation and downgrading the classified records.

**8. Submission of Annual Report:**

- (1) The Records Officers nominated under rule 3 shall furnish to the Director of the Archives an Annual Report in Form prescribed every year in the month of March of the following year;
- (2) The Director of the Archives shall thereafter, submit a report to the Government in the Education department every year on the action taken by the Records Officer in pursuance to the provision of sub-section (1) of section 9 of the Act.

**9. Destruction of Public Records:**

- (1) No Public Records shall be destroyed without being recorded and reviewed. In the month of January every year each public officer [records creating agency] shall record after consulting the records retention Schedule all these 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 thirty years old shall be destroyed by any public office [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 public office [record creating agency] in Form prescribed and retained permanently for future reference;
- (4) The Records Officer shall furnish a half yearly report in the prescribed form on recording, indexing, reviewing and weeding of records to the Director of the Archives.
- (5) Records shall be destroyed either by burning or shredding in the presence of Records Officer.

**10. Access to private records:**

- (1) 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;
- (2) Research scholars shall submit an application in Form prescribed to the Director of the Archives for permission to consult records. The Director of the Archives may refuse such permission in public interest and for reasons to be recorded on the said application;
- (3) 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 of the Director of the Archives.

**11. Access to public records:** The public records accepted for deposit and preservation under sub-rule (1) of rule 5 shall be made available for bona fide consultation and research purpose subject to the provision of section 16 of the Act and the following conditions namely:

- (1) A person who intends to consult the public records shall apply to the Director of the Archives in the form prescribed. The Director of the Archives may refuse such permission in public interest and for reasons to be recorded on the said application;
- (2) Foreign nationals intending to consult public records may be permitted only on the production of letters of introduction from their sponsoring institution and diplomatic mission;
- (3) Record maps and cartographic records classified as secret documents relating to the Ministry of External Affairs and Ministry of Defence may also be made available subject to its clearance by the Government. Wherever microfilm rolls may be made available the original records shall not be supplied for consultation to research scholar;
- (4) Reprographic and transcription facilities may be made available on submission of an application in the form prescribed and for such services the applicant shall have to make the payment of such services (the applicant shall have to make the payment of such services charges) as may be fixed by the Director of the Archives from time to time;
- (5) 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;
- (6) 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 obtaining permission from the Director of the Archives;
  - (d) Be allowed to take any eatable or drinking products or smoke while consulting public records;
  - (e) Place anything or any object on any public records with a view to make out any copy of the said records;
  - (f) Disturb or interrupt any other person while consulting the public records; and
  - (g) Behave in a manner which in the opinion of the Director of the Archives, 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 under sub-section 2 of section 7 shall draw traveling allowance and daily allowance for attending the meetings of the Archival Advisory Board at the rates admissible to Group 'A' officers of the State Government.