

# The Destruction Of Records Act, 1917

February 16, 2013

## [ACT No.5 OF 1917]

[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:—

## 2. Definitions.

2. <sup>1</sup>[Definitions.]

Rep. by the A.O.1937.

**1. S.3 has been amended in its application to the U.P by the U.P. Board of Revenue Act, 1922 (U.P.12 of 1922), s.2 and Sch.**

## 3. Power to certain authorities to make rules for disposal of documents.

(1) The 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. authorities hereinafter specified may, from time to time, make rules for the disposal, by destruction

(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 {For definition of Chief Controlling Revenue- authority, formerly included in s.2, see now the General Clauses Act, 1897 (10 of 1897), s.3 ( 10).} ; and

(c) In the case of documents in the possession or custody of any other public officer,-

<sup>1</sup>[(i) if the documents relate to purposes of a State, the State Government 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.]

<sup>2</sup>[(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; 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.]

**1. Subs. by the A.O.1937 for "the L.G., or any officer specially authorized in that behalf by the L.G."**

**2. Subs. by the A.O.1937 for the original sub-section.**

## **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, or with the approval of the State Government 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).

SCH-7. THE SCHEDULE

<sup>1</sup>[Repeal of Enactments.]

**1. Rep. by,' s.2 and Sch., ibid.**