



The Mizoram Gazette

EXTRA ORDINARY

Published by Authority

RNI No. 27009/1973

Postal Regn. No. NE-313(MZ) 2006-2008

VOL - XLIII Aizawl, Friday 18.7.2014 Asadha 27, S.E. 1936, Issue No. 357

NOTIFICATION

No. B. 13011/5/2012-AC, the 8th July, 2014. In exercise of the powers conferred by section 16 of the Mizoram Public Records Act, 2011 (Act No. 15 of 2011), the Governor of Mizoram is pleased to make the following Rules, namely:

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

1. These rules may be called The Mizoram Public Records Rules, 2014.
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,-

- a) "Act" means The Mizoram Public Records Act 2011 (Act No. 15 of 2011)
- b) "appraisal" means the evaluation of public records in association with the Mizoram State Archives;
- c) "classified records" means the files relating to the public records classified as top-secret, secret, confidential and restricted in accordance with the procedure laid down in the Manual of Departmental Security Instructions circulated by the Ministry of Home Affairs from time to time;
- 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) "Declassification" means downgrading the security classifications after their evaluation;
- g) "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;
- h) "form" means the form appended to these rules;
- i) "private records" means records lying in the possession of a private individual or with any non-governmental organisation;
- j) "recording" means completion of the process of closing a file after action on all issues considered thereon.
- k) "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 records creating agency in accordance with the procedure laid in its Manual of Office Procedure or Instructions on the subject;
- l) "retention Schedule of records" means a Schedule which provides the period of retention;
- m) (i) "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;
(ii) "review of classified public records for downgrading" means evaluation of public records bearing security marks Top secret, Secret, Confidential and restricted.

- n) "Section" means the section of the Act;
 - o) "Standing guard 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;
 - 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 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 Superintendent, as the Records Officer. A copy of such office order shall be forwarded to the head of the Archives.
4. **Maintenance of standing guard file :-** The Records Officer shall be responsible for maintaining and keeping a standing guard file and proper record of 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 head of the Archives shall accept for deposit and preservation public records of permanent nature which have been retained after recording by the records creating agency in its records room for the last twenty five years or more.
 - (2) Records Officer shall intimate to the head of the Archives each year before 31 st day of January, in Form-1, the particulars of all public records of permanent nature which are due for appraisal during the year.
 - (3) On receipt of an intimation under sub-rule (2), the head of the Archives 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 Form-2 of all public records and deposit the same for preservation with the head of the Archives 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 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 head of the Archives.
6. **Withdrawal of public records :-**
- (1) If public records deposited and preserved with the Archives is required by the records creating agency for any official purpose, then the records officer shall send a duly signed and stamped requisition slip in Form-3 to the head of the Archives.
 - (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 record creating agency.
7. **Downgrading of classified records:-**
- (1) The records creating agency shall by an office order authorise an officer not below the rank of the Under Secretary to the Government of Mizoram to evaluate and downgrade the classified records being maintained by it. A copy of such office order shall be forwarded to the head of the Archives.
 - (2) The officer so authorised under sub-rule (1) shall evaluate the classified records every fifth year for the purpose of downgrading.

- (3) After downgrading if the officer declares any record as of permanent nature, the same shall be deposited, and preserved with the head of the Archives after its appraisal.
- (4) The records deposited under this rule can be requisitioned for any official purpose and returned to the head of the Archives 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 authorised under sub-rule (1) to the head of the Archives on the action taken for evaluation and downgrading the 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, thereafter, submit a report to the DP&AR, Government of Mizoram every year on the action taken by the Records Officer in pursuance to the provisions of clauses (a) to (1) of sub-section 1 of section 6 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 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 Record Officer.
- (2) No public records which is more than twenty-five years old shall be destroyed by any 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 record creating agency in Form-6 which shall be retained permanently for future reference.
- (4) The records officer shall furnish a half yearly report in Form-7 on recording, indexing, reviewing and weeding of records to the head of the Archives.
- (5) Records shall be destroyed either by burning or shredding in the presence of Record 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-8 to the head of the Archives for permission to consult records. The head of the Archives may refuse such permission in public interest and for reasons to be recorded on the said application.
- (3) Wherever microfilm rolls and any other digital data are available, the original records shall not be supplied for consultation to research scholars. No copy of any records shall be made by anyone without the prior permission of the head of the Archives.

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 bonafide consultation 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 consult the public records shall apply to the head of the Archives in Form-8. The head of the Archives may refuse such permission in public interest and for reasons to be recorded on the said application. The applicant so accepted shall pay such Registration fee as may be prescribed by the Head of the Archives from time to time.
 - (ii) foreign national intending to consult the public records may be permitted only on the production of letters of introduction from their sponsoring institution and diplomatic Mission;

- (iii) record, maps and cartographic records relating to the Ministry of External Affairs and Ministry of Defence, in respect of Arunachal Pradesh (including Eastern Section of the Sino-Indian border) Sikkim, Bhutan, Nepal, Tibet, China and Myanmar and areas comprising Pakistan and Bangladesh may be made available for consultation keeping in view the security and the defence of India or of any part of the territory thereof. Records relating to the Ministry of External Affairs, Home Affairs and Human Resource Development in respect of Jammu and Kashmir (including Gilgit and Chitral) may also be made available for consultation keeping in view the security and defence of India or of any part of the territory thereof;
 - (iv) provided that the head of the Archives refuse such consultation;
 - (v) wherever microfilm rolls may be made available, the original records shall not be supplied for consultation to research scholar;
 - (vi) reprographic and transcription 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 head of the Archives from time to time;
 - (vii) a person consulting public records for the purpose of research and publishing the work which is based upon the material taken from the said records may acknowledge it and a copy or more be deposited to the State Archives.
- (2) 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 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 while consulting public records;
 - (e) place anything or 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 head of the Archives is detrimental to the maintenance and preservation of public records.

12. **The Board may:**

- (a) advise the Government on matters concerning administration, management, conservation and use of public records.
- (b) give directions for acquisition of records from private custody.
- (c) deal with such other matters as may be prescribed from time to time.

13. **Allowances to the members of the Archival Advisory Board:-**

The members of the Archival Advisory Board nominated by the Government under clause (c) of sub-section 2 of Section 13 shall draw travelling allowance and daily allowance for attending the meetings of the Archival Advisory Board at the rates admissible to Group 'A' officers of the rank of Joint Secretary under the Government of Mizoram or as may be prescribed by the State Government from time to time.

Rosangpuii,
Secretary to the Govt. of Mizoram,
Art & Culture Department.

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 files of 'A' & 'B' categories transferred to records rooms 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

Form - 2
[See sub-rule (3) of rule 5]
Transfer List

Name of the records creating agency i.e. Ministry/
Department/ Office/ Public Undertakings etc. :
Name and particulars of the records officer:
Name of the Branch/ Section :
Year:

Sl. No.	File No.	Subject matter of the file	Remarks, if any
1	2	3	4

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. Ministry/
Department/ Office):
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 Archivist before the expiry of six months as required 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 on periodical review of classified records)

Total No. of classified records lying at present in the organization	No. of classified records due for reviewing	No. of files reviewed and down graded during the period under report	Remarks
1	2	3	4

Form-5
Form for the submission of Annual Report to Director of Art & Culture/ head of the Archives
[See sub-rule (1) of rule 8]

1. A. Setting up organised Departmental Records Room — Whether your organisation has set up an organised Records Room, and if so; is the space sufficient?
B. Nomination of Records Officers. — Whether your organisation has nominated an officer as Departmental Records Officer, and if not, give reasons?
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. Sharing of space for housing semi-current records at Mizoram State Archives:
(i) Whether your organisation is willing to share space at Mizoram State 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 organisation 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 organisation has initiated action to get non-current records appraised in consultation with Mizoram State Archives?
(ii) State the total bulk of records awaiting appraisal.
4. Compilation/Revision of Retention Schedule of Records:
(i) Whether your organisation has compiled Record Retention Schedule of substantive functions in consultation with State Archives and if not what action do you propose to take?
(ii) Has your organisation taken steps to revise the above schedule after five years?
5. Periodical review of classified records :-
(i) Whether your organisation 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 organisation has compiled annual indices?
(ii) State inclusive years with the name of the series?

- 7. **Compilation of Organisational history:**
Has your organisation compiled organisational history, reflecting various functions along with the date of their creation and if so furnish a copy to Mizoram State Archives.
- 8. **Records of Defunct Bodies :**
 - (i) Whether your organisation has got records of defunct bodies, give details?
 - (ii) If yes, what action have you initiated for their transfer to Mizoram State Archives?

Form - 6
[See sub-rule (3) of rule 9]

Particulars of records destroyed during the year.....

Sl. No.	File Nos.	Subject matter of the files	Remarks
1	2	3	4

Form - 7
[See sub-rule (4) of rule 9]

Half yearly report on recording, indexing, reviewing and weeding of records during the Half year ending

Sl.	Total number of Files Recorded	Total numbers of files indexed	Total No. of files Reviewed	Total number of files weeded out, if any	Remarks

Form - 8
[See rule (2) of rule 10 and clause (i) of sub-rule (1) of rule 11]
(Application form for permission to consult records)

To
The Archivist,
Mizoram State Archives,
Aizawl-796001

Sir,

I hereby apply for enrolment as a research scholar for consulting records in the Research Room of the Mizoram 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 Mizoram 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: _____

Particulars of records to be consulted:

Sl. No	Department	Period	Remarks

* 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 from the diplomatic representatives of their country in India as well.

Form-9
[See clause (vi) of sub-rule (1) of rule 11]
Application for Reprographic/ Transcription Facilities

To

The Archivist,
Mizoram State Archives,
Aizawl, Mizoram.

Dated:

Sir,

Kindly supply me Microfilm/PHOTO COPIES/ XEROX 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 consist 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 rates 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 Archivist.

4. The material, if published, will be suitably acknowledged and provisions of copyright, where applicable, will be complied with.
5. I hereby deposit a sum of Rs. _____ as advance.

Yours faithfully,

Signature:

Name (in block letters)

Permanent Address:

Local Address.

(in block letters)

FOR OFFICE USE

Advance received vide receipt No. _____ dated
_____ for Rs. _____ Services
charges have come to Rs. _____
Balance receipt vide Receipt No. _____ dated _____ Rs. _____

Signature of Archivist with date