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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 31st 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.