

Destruction of Records Act, 1917

(Act No. 5 of 1917)

[28th February, 1917]

(As modified upto the November 2016)

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 and 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 Adaptation of Laws Order, 1950
@ Substituted for "Part B States" by 3.A.L.O., 1956.*

2. Definitions :- [Repealed by A.O. 1937]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, 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.]

[(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.]

** For definition of Chief Controlling Revenue- authority, formerly included in Sec.2, see now the General Clauses Act, 1897 (10 of 1897), Sec. 3 (10).*

@ Substituted for 'the Local Government or any officer specially authorized in that behalf by the Local Government' by A.O., 1937.

Substituted for original sub-section by A.O., 1937.

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. Repealed :- [Repealed by the Repealing Act, 1927 (12 of 1927).]

THE SCHEDULE

Repeals of Enactments. [Repealed by the Repealing Act, 1927 (12 of 1927), Sec.2 and Scheduled.]
