



THE DESTRUCTION OF RECORD ACT, 1917



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The Destruction of Records Act, 1917

¹ACT NO. V 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 :—

1. Short title. This Act may be called the Destruction of Records Act, 1917.

2. [Definitions] : *Rep. by the 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 rules² for the disposal, by destruction or otherwise, of such documents as are, in the opinion of the authority making the 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 subordinate thereto,— the High Court ;

¹For Statement of Objects and Reasons, see Gazette of India, 1917, Pt. V, p. 2 ; and for Proceedings in Council, see Ibid, 1917, Pt. VI, pp. 17 and 292.

²For the Income-tax Appellate Tribunal (Destruction of Record Rules, 1960 see Gazette of Pakistan, 1960, Pt. I, pp. 330-331.

(b) in the case of documents in the possession or custody of Revenue Courts and officers,-the Chief Controlling Revenue-authority¹ ; and

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

²[(i) if the documents relate to purposes of a Province, the Provincial Government or any officer specially authorised in that behalf by that Government ;

(ii) in any other case, the ³[Federal Government] or an officer specially authorised in that behalf by that Government.]

⁴[(3) Rules made under this section by any High Court or by a Chief Controlling Revenue-authority¹ or by an officer specially authorised in that behalf by any Provincial Government shall be subject to the previous approval of the Provincial Government ; and rules made by an officer specially authorised in that behalf by the ³[Federal Government] shall be subject to the previous approval of the ³[Federal Government]].

4. Validation of former rules for disposal of documents. All rules and orders directing or authorising the destruction or other disposal of documents in the possession or custody of any public officer, heretofore made by a ⁵[Provincial Government], or with the approval of the ⁵[Provincial Government] by any authority not empowered to make such rules under the Destruction of Records Act, 1879 (III 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 authorise 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 (XII of 1927).

THE SCHEDULE.—[Repeal of Enactments] [*Rep. by the Repealing Act, 1927 (XII of 1927), s. 2 and Schedule.*]

¹For definition of Chief Controlling Revenue-authority, formerly included in s. 2, see now the General Clauses Act, 1897 (10 of 1897), s. 3 (9a).

²Subs by A. O., 1937, for "the L. G., or any officer specially authorized in that behalf by the L.G."

³Subs. By F.A.O., 1975, Art, 2 and Table for "Central Government".

⁴Subs, *ibid.*, for the original sub-section (3)

⁵Subs, *ibid.*, for "L.G".

