

Sir, this amendment is general in nature. What we have provided for is more realistic. I request hon. Members to look into it. They will find it more appropriate that this should be there.

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRI MD. SALIM): Now the question is:

That clause 1, as amended, stand part of the Bill.

The motion was adopted.

Clause 1, as amended, was added to the Bill.

4.00 P.M.

Enacting Formula

THE VICE-CHAIRMAN (SHRI MD. SALIM): Now, we take up the Enacting Formula. There is one amendment by Mr. R. L. Bhatia.

SHRI R. L. BHATIA: Sir, I move.

That at page 1, line 1, for the word "Forty-third" the word "Forty-fourth" be substituted.

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (SHRI MD. SALIM): Now, the question is:

That the Enacting Formula, as amended, stand part of the Bill.

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill

SHRI R. L. BHATIA: I move:

That the Bill, as amended, be passed.

The motion was adopted.

THE PUBLIC RECORDS BILL, 1992
THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI ARJUN SINGH): I beg to move:

The the Bill to regulate the management, administration and preservation of public records of the Central Government, Union territory Administrations, public sector undertakings, statutory bodies and corporations, commissions and committees constituted by the Central Government or a Union territory Administration and matters connected therewith or incidental thereto, be taken into consideration.

Sir, I beg your leave to place before the Members of the House a Bill on Public Records for consideration and approval. This Bill had been introduced in the House on 20th August, 1992.

Public records have so far been managed, preserved and made accessible under executive instructions alone. Their basic deficiency is that they are liable to change very easily. We have, no doubt, Destruction of Records Act of 1917 on the Statute Book. But it is of a very limited nature and it does not oblige the concerned authorities to discharge any function concerning destruction of records. Besides, it does not cover all public documents. It is, therefore, proposed to overcome this deficiency through a legal instrument, which is before you for consideration.

There has been a persistent demand from the public for a suitable law concerning the public records. The Indian Historical Records Commission, which is a advisory body with the Government and has a very large component of Scholars and Archivists on it, has repeatedly emphasised the need for such a law. Members of Parliament and its different Committees have also recommended a similar action.

Encouraged by all-round public demand, the Government adopted an Archival policy Resolution in 1972,

[Shri Arjun Singh]

which could have the way for a legal enactment at a future date. This Resolution delineated for the first time the responsibilities of the Union Ministries, Departments, etc. vis-a-vis those of the Director, now Director General of Archives, for proper care custody, management and disposal of the records. It also prescribed the limits and conditions governing access to records by the general public.

While the Union Government has been trying to acquire the requisite experience and has been taking steps to improve the state of management preservation, access to records etc various Committees of the Parliament, have over the years urged the Government to bring forth a suitable Bill on the subject. The Government has considered their recommendation, very carefully and tried to improve the situation through effective implementation of the Resolution.

Unfortunately, our pious hopes have not yielded much results. The quantum of records of the Union Government has been increasing at a very fast rate. This obviously requires increasing financial outlays for their proper upkeep. Steps to contain exponential growth of records and to segregate all those of permanent value have been taken. Besides, steps have been taken to keep them in the various Departments on scientific lines. But we would like to move faster. We have felt that executive instructions alone are not enough and we would like to further strengthen them through a legal instrument. We have, therefore, come before you with a Public Records Bill and we propose implementing it through the Director General of Archives.

A Bill on Public Records, which is before you for consideration, lays down the duties and responsibilities of the Union Government Offices and those of the Union Territory Administrations, Public Sector Undertakings, Statutory and Autonomous Bodies/Corporations,

wholly or substantially controlled or financed by the Central Government and Union Territory Administrations and Committees and Commissions appointed by the Central Government and the Union Territory Administrations. It also makes them responsible for proper maintenance, preservation, etc. of public records under their respective custody, besides their appraisal, review, classification, destruction, etc. and transfer of records of permanent archival value to the respective Archives Departments. The proposed Legislation further provides for prevent of unlawful removal or destruction of records, destruction or disposal of records of ephemeral value, review of records bearing security classification, transfer of records from private sources at Advisory Board, which would be and access to public records. The proposed Bill also provides for constituting meeting and advising the Government periodically on the ways and means for better preservation and maintenance, transfer or de-classification of classified documents, which could facilitate easy access to scholars for their bonafide research purposes. It is as well proposed to frame certain rules after the proposed Bill has been adopted, which would facilitate effective implementation of this Bill.

This proposed Bill in undoubtedly the first comprehensive measure, which the Union Government is taking. I hope that, with your support, it shall be possible to adopt this Bill and ensure effective management of our documentary heritage and its preservation for the use of Government and the scholars in times to come. This would also provide continuity to our history. It would as well permit proper understanding of the forces at work and Government policies in the right perspective.

I fervently hope that the State Governments would not lag behind and enact similar Law on Public Records in their custody before long.

I commend this Bill for the consideration of the House.

The question was proposed.

श्री संघ प्रिय गोतम : (उत्तर प्रदेश) : उपसभाध्यक्ष महोदय, माननीय मानव संसाधन विकास मंत्री जी, पिछले दिनों अपनी पाठों के आंतरिक और बाह्य कार्यों में बड़े व्यस्त रहे, लेकिन इसके बावजूद भी उन्होंने इस सम्मानक और महत्वपूर्ण विधेयक के लिए समय निकाला और सदन के समक्ष यह विधेयक प्रस्तुत किया। मैं इसका स्वागत करता हूँ और इसके समर्थन के लिए खड़ा हुआ हूँ। मुझे यह भी कहने में संकोच नहीं है कि माननीय मंत्री जी ने अभी कहा कि 1972 में तत्कालीन सरकार ने निर्णय लिया था, लेकिन बीस वर्ष के अंतराल के बाद यह विधेयक लाया गया। मैं आगे चर्चा करूँ, सबसे पहले माननीय मंत्री जी का ध्यान विधेयक में उल्लिखित उद्देश्य और कारणों की ओर दिलाना चाहता हूँ। उद्देश्य और कारण जो उन्होंने बताए, वह एक उद्देश्य और कारण को बताना भूल गए यहाँ सिर्फ काफी नहीं है कि कार्यपालक आदेशों के द्वारा अभिलेखों का और अभिलेखागारों का संचालन होता था जिससे अभिलेखों की प्रमाणिकता पर भी संदेह हो सकता था, इतिहास का भी रूप बदला जा सकता था और दायित्व किसी के ऊपर था नहीं, लेकिन इस विधेयक में जहाँ प्रावधान किया है उल्लंघन पर दण्ड का, उद्देश्यों में, उन्होंने यह नहीं बताया कि जो इसका उल्लंघन करेगा वह अपराध घोषित होगा और वह उसके लिए दंडनीय होगा, जिसकी व्यवस्था उन्होंने इस विधेयक की धारा-8 में की है और पांच वर्ष का कठोर कारावास अथवा दस हजार रुपये की धनराशि का जुर्माना या दोनों दंड उसे भोगने होंगे।

इसलिए उद्देश्यों में ये भी जोड़ा जाता और जोड़ा जाना चाहिए चूंकि देखा गया है कि लापरवाही के कारण, जो लोग जिम्मेदार कहे जाते थे निकायों के रिकार्ड अधिकारी, आफिसर, कहीं पर रिकार्ड चोरी हो गए, कहीं पर आग लग गई, कहीं पर नष्ट हो गए और वह उनकी लापरवाही के कारण नष्ट हो गए और बड़े-बड़े मूल्यवान

अभिलेख नष्ट हो गए, जो भारत की संस्कृति भारत के भूगोल भारत के इतिहास, भारत के भूगर्भशास्त्र और भारत की राजनीति की मूल्यवान बातों से संबंधित थे, जिनकी समय-समय पर बहुत आवश्यकता होती है। तो मैं सबसे पहले निवेदन करूंगा कि मंत्री महोदय उद्देश्यों में इसका भी उल्लेख करें कि जो इसका उल्लंघन करेगा वह अपराधी होगा और उस अपराध का दंड पांच वर्ष की सजा और जुर्माना भी होगा।

मान्यवर, मैं इस विधेयक का स्वागत और समर्थन करते हुए पहले तो इसमें जो प्रिंटिंग मिस्टेक्स या ओमीशन और कमीशन हैं उनकी तरफ माननीय मंत्री जी का ध्यान दिलाना चाहूंगा।

बिल में पेज 2 पर अर्लैक्टल 3(1) में आपने लिखा है कि—

“...connected with the administration, management, preservation, selection, disposal and retirement of public records under this Act.”

यहाँ पर डिस्ट्रक्शन शब्द रह गया है क्योंकि इसके लिए भी कहा गया है कि जो इररैलवेंट हो गया है अभिलेख उसको नष्ट भी किया जा सकता है इसलिए—

“...selection, disposal, retirement and destruction...”

लिखा जाना चाहिये।

यह बड़े “डिस्ट्रक्शन” यहाँ पर आना चाहिए। यह धारा 3(1) का आखिरी जुमला है।

इसके बाद धारा 3 की उपधारा 2(ए) में लिखा है—

“supervision, management and control of the Archives;”

[श्री संवर्धन गौतम]

केवल इतना लिखा है लेकिन यहां पर बड़े "मैटेनेंस" और आना चाहिए। यानी -

"supervision, management, control and maintenance..."

होना चाहिये।

अगर बिजली के तार ढीले हो गए और आग लग गई, उसे कौन मेटेन करेगा, कौन जिम्मेदार होगा? छत टूट गई और छत चूर रही है, पानी गिरेगा और अभिलेख नष्ट हो जाएंगे, उसका जिम्मेदार कौन होगा? तो टूटी छत की मरम्मत हो, बिजली के तारों की मरम्मत हो, टूटी अलमारी की मरम्मत हो, इसका मैटेनेंस और रख-रखाव भी बहुत आवश्यक है। इसलिए-

"supervision, management, control and maintenance..."

होना चाहिये।

इसमें "मैटेनेंस" और जोड़ा जाए।

अब सेक्शन 3 की उपधारा 2(बी) है। इसमें लिखा है-

"acceptance for deposit of public records of permission nature..."

बिल की

अंग्रेजी प्रति में लिखा है। यहां बड़े "परमानेंट" होना चाहिए। यहां बड़े "परमिशन" है जो मुझे दिया गया है। मैं समझता हूँ कि यह मिसप्रिट हुआ है।

इसके बाद पेज तीन पर उपधारा (एस) है जिसमें लिखा है-

"accepting records from any private source;"

यहां पर होना चाहिए-

"accepting records of historical and national importance from any private source."

डिस्टॉरिक्ड ऐंड नेशनल इम्पोर्टेंस का जो अभिलेख है प्राइवेट सोर्स में वही एकीकृत करना चाहिए। यहां बड़े होना चाहिए-

"accepting records of historical and national importance from any private source."

पेज तीन पर जो पेरा (एस) है उसमें लिखा है-

"accepting records from any private source;"

मैं कह रहा हूँ कि-

Accepting records of historical and national importance from any private source...

इसके बाद पेज 4 की धारा 6 की उपधारा 1 की उपधारा (बी) में लिखा है कि-

Periodical review of all public records and weeding out public records of ephemeral value.

यह जो पीरियोडिकल शब्द है इसको निश्चित करना चाहिए। 3 महीने बाद या 6 महीने बाद या 9 महीने बाद या एक साल बाद या दो साल बाद इसको निश्चित करना चाहिए। इसको संदेहास्पद चाहिये यानि परिस्थिति में नहीं छोड़ा जाना चाहिए। मेरा सजेशन है कि पीरियोडिकल की जगह yearly बद होना। Yearly review of all public records and weeding out public records of ephemeral value.

होना चाहिये।

यह 'एफ़ेमेरल' शब्द इसमें जोड़ा जाना चाहिए।

इसके बाद पेज 5 पर धारा 8 की उपधारा 2 में लिखा है-

No record created before the year 1892 shall be destroyed.

हम यह नहीं समझ पाये कि यह 1892 ही क्यों लिखा गया है। क्या इस 1892

का कोई ऐतिहासिक महत्व है या यह विधेयक 1992 में लिखा गया था और 1992 में सौ वर्ष पहले 1892 था, इसलिये यह सोचा गया कि सौ वर्ष पहले का जो रिकार्ड है, उसको मंत्री जी आप स्पष्ट करें कि ये 1892 ही क्यों लिखा गया है। मैं समझता हूँ कि 1892 की जगह आपको रास्ट्रीट्यूट करना चाहिए 1947, जब हमारा देश आजाद हुआ था। 1947 के पहले के जो अभिलेख हैं—

No record created before the year 1947 shall be destroyed except where in the opinion of the Director-General or as the case may be.

तो यह आजादी से पहले का होना चाहिए। यह जो सजा का प्रावधान धारा 9 में किया गया है उसमें कहा गया है—

Whoever contravenes any of the provisions of section 4 or section 8 shall be punishable with imprisonment for a term which may extend to five years...

मैं सिर्फ यह पाइन्ट आउट कर रहा था कि अयोध्या का मामला चर्चा का विषय बना। अगर कोई अयोध्या के मामले में रिकार्ड को नष्ट कर देता है जिसके लिए हजारों लोगों की जानें चली गईं तो कोई अधिकारी जानबूझ कर ऐसे बेव्यावरल रिकार्ड को नष्ट कर देता है जिसकी कीमत लाखों, और हजारों की जानों में हो सकता है तो उसके लिए पांच वर्ष का दण्ड कम है। यह दण्ड अधिक होना चाहिए और परिस्थिति के अनुसार होना चाहिए।

इसके बाद आपने बोर्ड के बारे में कहा है। इसमें आपने कहा है कि तीन प्राइवेट मेम्बर्स नोमिनेट होंगे। इनमें इनमें से एक अभिलेख का अध्यक्ष होगा और दो हिस्ट्री के प्रोफेसर होंगे। हिस्ट्री के प्रोफेसर के लिए केवल विभागाध्यक्ष या रिकानाइज यूनिवर्सिटी के प्रोफेसर होंगे। यहाँ पर आपको यह डिफाइन करना चाहिए कि वे हिस्ट्री के स्पेशलिस्ट होने चाहिए। दूसरी बात आपने इलाउन्स और मेटेनेन्स की बात कही है। एलाउन्स

को स्पष्ट होना चाहिए। आपने अपने वक्तव्य में यह इशारा किया है कि अधिक संकट भी हमारे सामने आ रहा है और रिकार्ड भी सृजित होता जा रहा है। इसलिए इनको कोई मन्थली ऑनरेरियम नहीं मिलना चाहिए। केवल जब बोर्ड की बैठक हो तो उसके लिए टी.ए. और डी.ए. का प्रावधान होना चाहिए। इसलिए आप इस मेटेनेन्स को भी डिफाइन करें।

आगे चल कर पेज 7 पर आपने धारा 17 की उपधारा (एच) में कहा है—

"the allowances payable to members of the Board under sub-section (3) of section 13;"

जहाँ लिखा है वहीं पर यह जोड़ा जाना चाहिये जो मैंने बताया कि इनको टी.ए./डी.ए. न मिले। एक बात और कह कर मैं अपनी बात समाप्त कर रहा हूँ। अभिलेखों के सृजन के लिए बहुत विच्छिन्न ऐसी हैं जो केन्द्रीय सरकार की नहीं हैं या केन्द्र शासित प्रदेशों की सरकारों की नहीं हैं या उन विभागों की नहीं हैं जो सरकार के अधीन हैं और किराये की इमारतों में अभिलेखगार हैं। मैं यह जानना चाहता हूँ कि उन इमारतों की जिम्मेदारी किस पर होगी? अगर मालिक मकान उस इमारत की मरम्मत नहीं करता है तथा अभिलेखों के नष्ट होने की परिस्थिति बन जाती है तो इस विधेयक में यह प्रावधान होना चाहिये कि मेटेनेन्स के लिए यदि वह मकान मालिक रिफ्यूज करता है और आशंका अभिलेखों के नष्ट होने की है तो यह जिम्मेदारी आर्काइव्स डिपार्टमेंट की होगी। यही मेरा निवेदन है। इन शब्दों के साथ मैं माननीय मानव संसाधन मंत्री जी द्वारा लाए गए इस विधेयक का समर्थन करता हूँ, स्वागत करता हूँ।

THE VICE-CHAIRMAN (SHRI MD SALIM): Shri S. S. Ahluwalia, not here. Shrimati Kamla Sinha.

SHRIMATI KAMLA SINHA (Bihar): Mr. Vice-Chairman, Sir, this Bill has been brought after twenty years. I really congratulate the Minister, the H.R.D. Department, for bringing this Bill.

हिंदी में एक कहावत है देर आयाद दुस्त आयाद। आप देर से आए लेकिन दुस्त आए।

I would like to point out a few things. In the aims and objectives it has been said that this Bill has been brought to bring about an Archival Advisory Board to Advise the Government on matters relating to the public records and proper administration of the provisions of the Bill.

The idea of having this Bill is how to keep and preserve the public records of historical importance. The previous speaker has pointed out a few things. I am not going into the details but I would like to make one or two points. For example, library science is a recognised science all over the world. In national archives book record keeping is also like a science. In this Bill I don't find any clause which says that a separate cadre for archive-record keeping shall be created. I hope that the Minister when he makes the rule will take care of it. A separate cadre is essential and special training should be given to this cadre so that proper maintenance and preservation of public documents of historical importance can be done. How these documents should be kept, how these should be maintained and how these should be preserved—the cadre must be trained on all these. In developed countries archive science is a very developed science like the library science and in most of the big libraries they also keep the important papers and documents and along with that microfilm are made of all the important documents. They keep them in three, four or five sets to ensure that whenever one set is destroyed, the other set can be available. This should be done in our country also. I know that for doing this some amount of money will be needed. But so much of money is being wasted, going down the drain in various ways. If this is done it will be done for a good cause to preserve

our national heredity, to preserve whatever is preserved today, whatever is done today, for the posterity and for the future use. This is very important and hope that the Minister will look into this matter.

Another aspect is about the Board. The Archival Advisory Board is going to be created and in clause 13, page 6, its formation details have been given. Three private members will be there. They will be from the Post-graduate Department of History. I think one of them should be a specialist in the ancient history and culture. Mr. Minister, I am saying that one of the private members should be a scholar of ancient history and culture because in the archives there are a lot of materials relating to ancient history. For example, documents relating to British rule, the battle of Plassy, etc.; they are valuable documents. So, somebody who has knowledge of these things will have to look after this. Then there is a clause where it has been stated—this is clause 6 at page 4—"periodical review of all public records and weeding out public records of ephemeral value." Who will judge which of the documents are of ephemeral value? I think, the Department Heads or the junior officers should not be given the right to destroy the documents. This should be done an expert body. An expert body should be created in the States and at the Centre also which will go through the records and they should decide which of the records are of ephemeral value. What will happen otherwise? Governments come and Governments go. If some Government comes next time which does not have any respect for our national history, our national records, our national war of independence or even for whatever has been done in the post-independence era, they will destroy and distort all these records.

SHRI AJIT P. K. JOGI (Madhya Pradesh): That Government will never come.

SHRIMATI KAMLA SINHA: I did not say anything about which Govt. can

come or not. I did not name any Political Party. There should be a separate, independent body. Such a body should be created to look after these public record and the records in the archive which are supposed to be destroyed and weeded out, and the ephemeral value should be decided by this body and not by any individual officer or a group of officers because these officers act at the bidding of the masters, the Government of the time, and that should not be done. Sir, there is a clause that even at the Union Territory level and otherwise the archives will be created. I would like to know from the hon. Minister whether the Government plans to have of Archival Boards/Councils in the States because in every State there is an archive in the police department and in other departments. In these archives important documents are kept which are important for the nation. I would like to know whether there should be a separate kind of an Advisory Council, Advisory Body or an Archival Advisory Board at the State-level and what will be its structure. I would like the hon. Minister to give some thought to it and, if necessary, it should be incorporated in the rules.

SHRI SUKOMAL SEN (West Bengal): Sir, usually the archives are maintained through executive orders of the Central Government or the State Governments. Archives are there at national level, archives are there at the State level and archives are also there in the police departments. Now this Bill seems to be a Bill which deals with the archives of the Central Government and the Union Territories. Sir, I appreciate the attempt of the Government to systematise the maintenance of the archives for its importance. This Bill was necessary and it was long due. Now, I would like to make some comments about it. Although archives is a very important institution in our country, very few people pay attention to it. But people who are research-minded, who have done some research work and who are doing educational work, understand the importance of archives. If we look at the archives

material of pre-1947 and post-1947, there is a lot of difference. Before 1947 when Britishers came to rule our country, they maintained the archives very systematically, whether the people could have access to the documents or not that was a different thing. But for their own purpose, for their own administration, they used to keep the files in a very systematic way. They did not destroy the important files. Now, when researchers want to work in the archives they find that it is very easy to find out the documents of pre-1947 period rather than post-1947 period. After Independence this perception about the maintenance of archives has gone down. Now there is no systematic attempt to preserve the files, which file has to be destroyed and which file has to be preserved. There is a clear-cut order. It depends upon the whims of the authorities, authorities who have no sense of history, who have no sense as to which is important and which is not important from the national point of view. Now it is totally in a haphazard manner. Sir, I would like to say, one thing is lacking in this. There is no practical guideline—some Members have already mentioned—which files are to be preserved and which files are to be destroyed and which are of national importance to national life and to the national history. This cannot be entrusted to the departmental head or a departmental officer. A departmental officer should be there but for that some experts who are knowledgeable in the subject should help them and should guide them. Otherwise, any file can be destroyed and any file which is not important can be preserved. My friend from that side, Shri Sangh Priya Gautam, has quoted from page 5 “No record created before the year 1892 shall be destroyed...” To me the sanctity of 1892 is not comprehensible. In fact, pre-partition files should be kept. The cut-off year should be 1947. Before 1947, it was a dependent country, it was a subject country and those files have relevance to our national movement. What the Britishers did, what we did, everything is there. So all

[Shri Sukomal Sen]

the files before 1947 should be kept properly. Even this should be decided by the Expert Committee. The filed which are of trivial value or which have no value should be destroyed. But the other files should be kept in proper shape. On the same page, point No. 11 it is mentioned that:

"The National Archives of India or the Archives of the Union territory may accept any record of historical or national importance from any private source by way of gift, purchase or otherwise.

The National Archives of India or, as the case may be, the Archives of any Union territory may, in such manner and subject to such conditions, as may be prescribed make any public record referred to in subsection (1) available to any bonafide research scholar."

I do not know why restrictions should be imposed on a *bona fide* research scholar. This was the practice during the British period. This was there even after independence. The files of the national movement were not open to research scholars. After a lot of effort, the files were made open to them. The same thing, the same mentality is being followed. Why should there be restrictions? The research scholars should have full access to these files. They need them for research purpose. These restrictions should be totally abolished. Restrictions mean some bureaucratic control. People who do not understand anything will be controlling it. Research scholars, who want to go into certain aspects of the national movement or any important event in national history will be restricted. This should be given up. Another point is about the classified documents. What will happen to the classified documents? About that nothing has been mentioned here. Does it mean that the classified documents will not be made open to the research scholars or the people who are interested in them? That cannot be done. There should be some mention about this also. In this connection I would like to mention that many records are maintained

by the police department. Delhi is a Union Territory. The Delhi Police maintains some records. Likewise, in other other Territories and in the States also the police departments maintains records. It is hell of a job to have access to these files. It is easier to go into the files kept in the National Archives. The hon. Members must be aware that without going into the police files it is very difficult to unearth past history or know more about the national movement. It is impossible. But the police authorities unnecessarily put severe restriction on research scholars. They do not understand the meaning of it. They feel that they are still under the British regime when Britishers used to deny everything. The same mentality prevails in the police departments. Another aspect that I would like to mention is about the forming of the Advisory Board. The Advisory Board is heavily loaded with bureaucrats, with officials, Secretaries, Joint Secretaries etc, many of whom may not have any experience in archival work, many of whom may not have gone into an archive, many of whom may not have done any research work. They may not have written anything on the national movement or anything. These people constitute the Advisory Board. This Board cannot work. This Board cannot function properly. It will not be helpful to the people who want to do research work. You can reduce the number of bureaucrats and at the same time increase the number of scholarly persons. Not just professors from post-graduate departments of history because many professors from many universities have no experience of archival work. There are many authors who are not professors in the universities but are authors of very important books, and have enough experience of archival work. I know many professors who have not done any research but they are professors, and you simply say that they will be included. How can they help? I feel that only those persons with enough experience of archival work and who have done some research work should be included. Besides them, one or two authors of important books

who have done some research work but who are not professors in the universities, could be included. People with working experience in the National archives or in the State archives could also be included so that they can help. Only this way the Board should be constituted.

While concluding, I would say that this is a law for the Centre and not for the States. My point is that you should have a discussion with the State Governments also. The archives in the States are in a bad shape. I would request the hon. Minister to see to it that proper guidelines are given to the State Governments on the similar pattern so that archives at the State level are also maintained properly. I would suggest that after the Bill is passed, the hon. Minister should call a meeting of the State Ministers and impress upon them the need to maintain the State archives properly because both Central and State archives are important in the national life. Thank you.

THE DEPUTY MINISTER IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF EDUCATION AND DEPARTMENT OF CULTURE) (KUMARI SELJA): Mr. Vice-Chairman, a Bill on Public Records which has been introduced in this House is of great importance to all of us. Public records need to be preserved for effective functioning of the Government. They are also no less valuable to the people as they provide an authentic account of functioning of the Government. Since we all want our history to be factually correct and as objective as possible, it is desirable that these instruments of Government action are duly preserved and passed on to posterity for re-constructing our history.

Records are presently managed by Executive instructions only and are liable to change. Access of research scholars to these records can also change. Since we wish to make records easily accessible to research scholars and also facilitate quick transfer of records of perma-

nent value to the Archives, the Bill has been introduced. The proposed Bill would give a statutory base to the executive orders concerning effective management, preservation and access to public records.

There has been a public demand for such an enactment and the Indian Historical Records Commission, a body of historians and archivists in the country, which has an advisory status with the Government, has been quite vocal about it. It had also engaged the attention of Parliament.

Considering this all-round demand, the Government had appointed an Archival Legislation Committee in 1959, which in its Report submitted in the next year, suggested enactment of a Single Uniform Law on Public Records of the Union Government, Governments of the States and the Union Territory Administration by amending the Constitution. Since the proposed course of amending the Constitution was not very easy, and there is no single entry in the Constitution under which such a law could be framed, consultations with the State Governments were initiated, permitting the Parliament to frame a law on their behalf. Unfortunately, none of the State Governments wished to give such an authorisation.

While we were still continuing to persuade the States in favour of a uniform law, the Estimates committee of the IVth Lok Sabha wished us to move faster on the subject. The Government consequently issued an Archival Policy Resolution in 1972, which delineated the responsibilities of the various Ministries, Departments and offices of the Government of India vis-a-vis those of the National Archives of India, which is the custodian of all public records of the Central Government. The Archival Policy Resolution has no statutory base. Nevertheless, the Department of Culture took up the question of implementing the various provisions of the Resolution quite seriously. It initiated a programme of compiling Retention Schedules for Records of functional nature of all

[Kumari Seija]

Ministries, Departments and offices of the Government of India. This has been a stupendous task and it has been possible to compile 319 such schedules which would facilitate weeding of records of ephemeral value at a faster pace. Inspection of departmental records rooms where all records are kept prior to their transfer to the National Archives was initiated so that records keeping in the Government departments could be put on a proper footing. Besides, appraisal of records after 25 years was taken up so that records of permanent value could be segregated for their transfer to the National Archives. This has obviously resulted in much saving in expenditure on the upkeep and maintenance of records.

Various other steps to streamline the records management system in Central Government offices and to train the personnel in this field were taken up. While some progress was possible on these fronts, very little headway could be made in respect of declassification of classified documents.

The Annual Reports of the Director-General of Archives on the implementation of this Resolution have repeatedly pleaded for strengthening his hands with a legal enactment. The various Committees of Parliament have also been pressing the Government for an early enactment on public records.

The Bill before the House is the Government's response to this all-round demand and it is hoped that it would facilitate proper administration, management, preservation and proper access to records. I hope this Bill would encourage the State Governments to follow the example set by the Government of India, to enact similar laws before long.

Now, I would like to respond to some of the points made by hon. Members. Shri Gautam made the point that in clause 3, sub-clause (1), the words, 'maintenance' and 'destruction', should have been added. I would like to point out to him that the word

'disposal' covers destruction of records. Maintenance is covered under 'management'.

In regard to the point made by him about periodical review, as well as another point made by him about the allowances to the members of the Advisory Board, these would be covered by the rules framed under the Act.

Shrimati Kamla Sinha raised the point about the review of records by a separate body. This is being done jointly by the administrative departments and the archivists who come into close contact with the research scholars. Therefore, all records are being reviewed and those of ephemeral value would be destroyed after a thorough examination and evaluation from the historical and administrative points of view.

Yet another point by Shrimati Kamla Sinha was about the Advisory Board. She wanted that a professor of ancient Indian history should be included in the Advisory Board. With reference to this, I would like to say that a professor of ancient Indian history is not really very relevant here because the archives in our country are basically from the middle of 18th Century onwards. The Advisory Board would consist of two professors of modern Indian history, one archivist and three non-official members. Thank you, Sir.

SHRIMATI KAMLA SINHA: I mentioned about...

THE VICE-CHAIRMAN (SHRI MD. SALIM): She is not replying.

She only intervened. More reply would come.

SHRIMATI KAMLA SINHA: I wanted that a cadre of national archives workers should be created. What about that? She did not respond to it. The Minister did not respond to it.

THE VICE-CHAIRMAN (SHRI MD. SALIM): The Minister is going to reply. You will get the reply.

SHRIMATI KAMLA SINHA: All right.

श्री मोहम्मद खलिलुर रहमान (आन्ध्र प्रदेश) : जनाब वाइस चेयरमैन साहब, यह बिल जो पब्लिक रिकार्ड्स बिल 1992 पेश किया गया है, मैं इसकी भरपूर तारीफ करता हूँ। जैसा कि मिनिस्टर साहब ने बिल भुव करते हुए कहा था कि 1972 ईस्वी में यह फैसला किया गया था कि इस किस्म का बिल लाया जाए, 20 साल गुजरने के बाद आज यह बिल लाया जा रहा है। मैं यह कहूँगा कि "देर आयाद दुस्म आयाद" बिल आ गया है और यह एक अच्छा बिल है और मैं समझता हूँ कि इस बिल के बनने के बाद यह बिल हमारे मुल्क की कीमी यकजहती में भी एक मजबूत रोल अंजाम देगा। इस वजह से कि जहाँ तक हमारे नेशनल आर्काइज का जो सवाल है, कई ऐसे अहम दस्तावेजान और डोक्यूमेंट्स हमारे पास मौजूद हैं जिनके तहफुज के ताल्लुक से अभी तक कोई कानून नहीं बनाया गया था और इसके जो आफिसर्स होते थे वे जिस तरह चाहें एक एक्जीक्यूटिव आर्डर के जरिए इसमें तब्दीली कर सकते थे और इनको तलब किया जाता था और डिस्ट्राय किया जाता था। इसके लिए वेदर जरूरी था कि इस किस्म का कानून बनाया जाए और इस कानून के जरिए इसके तहफुज का इंतजाम किया जाए। अगर उसको तलब भी करना है तो उसको भी यानी बाजाफता कमेटी में तय करके कि कौन सा रिकार्ड रखा जाए और कौन सा रिकार्ड डिस्ट्राय किया जाए, उसकी अहम जरूरत थी। इस जिहाज में मैं समझता हूँ कि यह बहुत अच्छा काम है। हम यह देखते हैं कि कई रिसर्च स्कौलर ऐसे हैं जो यह चाहते हैं कि डोक्यूमेंट्स का मुआयना करें, इन्स्पेक्शन करें और उनकी स्टडी करें। अगर यूनिवर्सिटल गवर्नमेंट और उसकी जिन्ती भी एजेंसीज हैं, उनके रिकार्ड को सही करके तरतीब नहीं किया गया था। जिहाजा रिसर्च स्कौलर्स को भी बड़ी दिक्कत महसूस हो रही थी कि वह इन्स्पेक्शन करें और स्टडी करें। अब मैं समझता हूँ कि यह कानून जस हो जाने के बाद और इस

कानून के निफाज के बाद सही ढंग से तरतीब दिया जाएगा। हमारे रिसर्च स्कौलर्स को भी पूरी सहूलियत मिलेगी। फिर दूसरी बात डोक्यूमेंट रिसोसिज डवलप-मेंट के आनरेबल मिनिस्टर साहब भी यहाँ पर मौजूद हैं, मैं यह कहना चाहूँगा कि हमारी दरसी किताबें और निसाबी किताबें जो होती हैं, उस पर भी अभी हाल में हमने देखा है कि हमारे यहाँ की स्टेट गवर्नमेंट ने मनमाने ढंग से दरसी किताबों में तब्दीली की है और यह साबित करने की कोशिश को जाती कि जो भी तब्दीली की गई वह सही है। इसकी वजह क्या है। अगर यह बिल पहले से ही सही ढंग से रेग्युलर किया जाता तो उनकी इस किस्म की हिम्मत नहीं हो सकती थी कि वह दरसी किताबों में भी मनमानी बातें कर दें। मैं आपसे दरखास्त करूँगा कि दरसी किताबों में जो तब्दीली करके स्टेट गवर्नमेंट की तरफ से लाई गई हैं उनको फौरी दुस्त किया जाए बाजफत कमेटी बैठ करके और यह देब करके कि क्या वह सही है या नहीं। मैं आनरेबल मिनिस्टर साहब से यह दरखास्त करूँगा।... (घटी)...

दूसरी बात, यह है कि हम यह देखते हैं कि स्टेट आर्काइज में इतनी अच्छी लाइब्रेरी है कि वहाँ पर बजट की कमी की वजह से और कानून न होने की वजह से वहाँ जो कीमती रिकार्ड्स हैं, तबाह हो रहा है। खुद मैं हैदराबाद की मिसाल आपसे अर्ज करना चाहता हूँ। वहाँ जो इतनी शानदार लाइब्रेरी है कि अगर सही ढंग से उसको चलाया जाए तो मैं यह समझूँगा कि यह हिन्दुस्तान की बेहतरीन और इतनी कीमती प्रसस लाइब्रेरी हो सकती है अगर बस कोई कानून है नहीं और कोई बाजफता बजट है नहीं, जिसकी वजह से वह बिल्कुल मुतसिर हालत में है। जिहाजा मैं आपसे यह दरखास्त करूँगा कि यह बिल पास होने के बाद आपके मुताल्लिका स्टेट के जो मिनिस्टर्स हैं, उनकी एक मीटिंग बुलाइए

[श्री मोहम्मद सलीमुर रहमान]

और उनको गाईड लाईंस दे दीजिए कि वह भी इस कानून को एक रहनुमा असूल के तौर पर समझते हुए वहां पर भी इस किस्म का कानून बनाएं। लिहाजा इन चंद बातों के साथ मुझे जो टाईम दिया गया है, मैं आपका शुक्रिया अदा करता हूँ।

श्री محمد خلیل الرحمن "آندھرا پریश":
جناب وائس چیئرمین صاحب۔ یہ بل جو پبلک ریکارڈس بل ۱۹۹۲ پیش کیا گیا ہے میں اس کی بھرپور تائید کرتا ہوں۔ جیسا کہ منسٹر صاحب نے بل موود کرتے ہوئے کہا تھا کہ ۱۹۷۲ عیسوی میں یہ فیصلہ کیا گیا تھا کہ اس قسم کا بل لایا جائے بیس سال گزرنے کے بعد آج یہ بل لایا جا رہا ہے۔ میں یہ کہیں گا کہ "دیر آید درست آید" بل آگیا ہے اور یہ ایک اچھا بل ہے اور میں یہ سمجھتا ہوں کہ اس بل کے بننے کے بعد یہ بل ہمارے ملک کی قومی یک جہتی میں بھی ایک مضبوط رول انجام دیگا۔ اس وجہ سے اور ڈاکومنٹس ہمارے پاس موجود ہیں جن کے تحفظ کے تعلق سے ابھی تک کوئی قانون نہیں بنایا گیا تھا۔ اور اس کے جو آفیسرں رہتے تھے وہ جس طرح جاہلین ایک ایگزیکٹو آرڈر کے ذریعے اس میں تبدیلی کر سکتے تھے اور انکو تلف کیا جاتا تھا اور ڈیسٹرٹے کیا جاتا تھا۔ اس کے لئے بھید پردی تھا کہ اس قسم کا قانون

بنایا جائے اور اس قانون کے ذریعے اس کے تحفظ کا انتظام کیا جائے اگر اس کو تلف کرنا ہے تو اس کو بھی باضابطہ کمیٹی میں طے کر کے کون سے ریکارڈ رکھا جائے اور کون سا ریکارڈ ڈیسٹرٹے کیا جائے۔ اہم ضرورت تھی اس لحاظ سے میں سمجھتا ہوں کہ بہت اچھا کام ہے یہ دیکھتے ہیں کہ کئی ریسرچ اسکالرشپس ہیں جو یہ چاہتے ہیں کہ ڈاکومنٹس کا معائنہ کریں۔ انسپیکشن کریں اور ان کی اسٹڈی کریں مگر چونکہ سنٹرل گورنمنٹ اس کی جتنی بھی ایجنسیز ہیں۔ ان کے ریکارڈ کو صحیح کر کے ترتیب نہیں کیا گیا تھا۔ لہذا ریسرچ اسکالرس کو بھی بڑی دقت محسوس ہو رہی تھی کہ وہ انسپیکشن کریں اور اسٹڈی کریں اب میں سمجھتا ہوں کہ یہ قانون پاس ہو جانے کے بعد اور اس قانون کے نفاذ کے بعد صحیح ڈھنگ سے ترتیب دیا جائے گا۔ ہمارے ریسرچ اسکالرس کو بھی پوری سہولت ملے گی۔ پھر دوسری بات ہیومن ریسورسز ڈولپمنٹ کے انریبل منسٹر صاحب بھی یہاں موجود ہیں۔ میں یہ جانتا چاہوں گا کہ ہماری درسی کتابیں اور نصابی کتابیں جو ہوتی ہیں۔ اس پر بھی ابھی حال میں ہم نے دیکھا ہے کہ ہمارے یہاں کی اسٹڈی گورنمنٹ نے من مانے ڈھنگ سے درسی کتابوں میں تبدیلی کی ہے۔ اور یہ ثابت کرنے کی کوشش کی جاتی ہے کہ جو

بھی تبدیلی کی گئی ہے وہ صحیح ہے۔ اس کی وجہ کیا ہے اگر یہ بل پہلے سے ہی صحیح ڈھنگ سے ریگولر کیا جاتا تو اس قسم کی ہمت نہیں ہو سکتی تھی کہ وہ درسی کتابوں میں بھی من مانی باتیں وہ کریں۔ میں آپ سے درخواست کروں گا کہ درسی کتابوں میں جو تبدیلی کر کے اسٹیٹ گورنمنٹ کی طرف سے لائی گئی ہے ان کو فوری درست کیا جائے باضابطہ کمیٹی بیٹھا کر کے اور یہ دیکھ کر کہ کیا وہ صحیح ہے یا نہیں۔ میں آنریبل ممبر صاحب سے یہ درخواست کروں گا۔ (وقت کی گنتی).....

دوسری بات یہ ہے کہ ہم یہ دیکھتے ہیں کہ آرکائیو میں اتنی اچھی لائبریری ہیں کہ وہاں یہ بجٹ کی کمی کی وجہ سے اور قانون نہ ہونے کی وجہ سے وہاں جو قیمتی ریکارڈ ہے۔ تباہ ہو رہا ہے۔ خود میں حمید آباد کی مثال آپ سے عرض کرنا چاہتا ہوں۔ وہاں جو اتنی شاندار لائبریری ہے کہ اگر صحیح ڈھنگ سے اس کو چلایا جائے تو میں یہ سمجھوں گا کہ یہ ہندوستان کی بہترین اور انتہائی قیمتی اثاثہ لائبریری ہو سکتی ہے۔ مگر صرف کوئی قانون ہے نہیں اور کوئی باضابطہ بجٹ ہے نہیں جس کی وجہ سے وہ بالکل بالکل منتشر حالت میں ہے۔ لہذا میں آپ سے درخواست کروں گا کہ یہ بل پاس ہونے کے بعد آپ کے متعلقہ اسٹیٹ

کے جو ممبر ہیں۔ انکی ایک میٹنگ بلائیے اور ان کو گائیڈ لائنیں دیجئے کہ وہ بھی اس قانون کو ایک رہنما اصول کے طور پر یہ سمجھتے ہوئے وہاں پر بھی اس قسم کا قانون بنائیں لہذا میں ان چند باتوں کے ساتھ مجھے ہر ٹائم دیا گیا ہے۔ میں آپ کا شکریہ ادا کرتا ہوں۔

SHRI ARJUN SINGH: Sir, I am very grateful to the hon. Members for the keen interest they have shown in the matter which is covered by this Bill which speaks not only of their scholarly bent of mind but also their concern about our heritage which lies in our archives, sometimes outside our archives, in private hands, and which needs to be protected and preserved. For sake of preservation itself and also for scholars to well deep and come up with conclusions about matters which may become issues of current importance and also give us an insight into the past which sometimes intrudes on the present and also projects of the future. It is this continuity which we call, in one word, heritage. I am quite aware of the delay that has taken place in bringing such a legislation. It is not as if there was nothing to govern the archival activities but it was, more or less, in the nature of Resolutions and Executive Orders—fairly comprehensive orders—but it was thought necessary by Parliament also and by other expert committees that we should have a law which could be something,

[Shri Arjun Singh]

which can be a matter of reference and also of guidance and also to implement the policy and see that the implementation is on the right lines and, if there is any default, then there should be a provision to take care of that default. This Bill has attempted to be of that wide range.

I can understand some of the shortcoming that the hon. Members have pointed out. Many of them, I am sure, can be taken care of by the rules that would be framed, and I can assure the hon. Members that their specific concerns will be attended to by the rules, wherever necessary, and also, at the same time, this cannot be considered to be the last word. Since this is the first law of its kind in the country, I think a few years of its working will give us some more experience also and then give us an opportunity to see what needs to be done.

There was one specific point raised by an hon. lady Member here, that is, about the cadre for preserving and implementing the policy under this Bill. A cadre, Sir, is being created. It is being created in the National Archives Institute, and we will ensure that only those persons get to handle the archives who have a diploma or a degree from this Institute, and that would be the basis of the cadre which the hon. Member has been referring to.

A point has been made about the year 1892. I think the inference of the hon. member that this was a hundred-year old reference—that's why the year 1892 has been referred to—is very substantially correct, because once we have a record

which is 100 years old, it is presumed that it has to be preserved because, in between there have been periodical reviews all the time, and those reviews always bring up certain records which are of an ephemeral nature and which need not be preserved, and some which are worthy of preservation though they may not be 100 years old. But a hundred-year watermark, I think, itself is something which must be taken into account, and that's why the year 1892 has been mentioned.

There has been a point about classified documents. Classified documents are not usually in the archives. Only the unclassified documents are in the archives and, therefore, access to them is not at all discussed. This police control of certain archival material has been just brought up. I must say that I will not be able to give you a reaction to this straightway, but I can quite see that this is an important aspect and, therefore, I would crave your indulgence to give me a little time to look into it and see what we can do about it—whether it can be treated as material from private sources or other sources or whatever it may be. I would like to see how that

can be brought under this, 5.00 P.M. Shri Sukomal Sen has mentioned about the review and about the decision-making authority for the ephemeral records. I would only like to say that the provision is that this decision should be taken by a duly authorised and competent authority. The Board that has been mentioned here will be of people who are really worthy of being on the Board which is going to

review and decide about the preservation or the destruction of records of historical nature. I cannot lay down very strict guidelines for the selection of these persons, but obviously any person to be selected for appointment on this Board will have to fulfil this qualification of a high order.

Sir, hon. Member, Shri Khaleelur Rahman has mentioned about the state of the State Archives. I have mentioned in my very first introductory speech that despite our best efforts so far we have not been able to enlist the support of the State Governments to frame similar Acts. That we shall still pursue. I will take up the matter. As suggested by several Members, after this Bill is passed, we will call a meeting of all the State Ministers who are dealing with this matter, and we shall once again bring this to their notice. This time we will have the added authority of Parliament. Parliament is also concerned that such a law is made in the States. I am sure that the State Governments will give their due consideration.

Sir, this is all I have to say.

THE VICE-CHAIRMAN (SHRI MD. SALIM): The question is:

That the Bill to regulate the management, administration and preservation of public records of the Central Government, Union Territory Administrations, public sector undertaking statutory bodies and corporations, commissions and committees constituted by the Central Government or a Union Territory Administration and matters connected therewith or incidental thereto, be taken into consideration.

The motion was adopted.

THE VICE-CHAIRMAN (SHRI MD. SALIM): We shall now take up clause-by-clause consideration of the Bill.

Clauses 2 to 18 were added to the Bill, Clause 1 (Short title) and commencement

THE VICE-CHAIRMAN (SHRI MD. SALIM): Now we shall take up Clause 1. There is one amendment, No. 2; by Shri Arjun Singh.

SHRI ARJUN SINGH: Sir, I move:
That at page 1, line 3 for the figure "1992" the figure "1993" be substituted

The question was put and the motion was adopted. Clause 1, as amended was added to the Bill, Enacting Formula.

THE VICE-CHAIRMAN (SHRI MD. SALIM): Now we shall take up the Enacting Formula. There is one amendment by Shri Arjun Singh.

SHRI ARJUN SINGH: Sir, I move:

That at page 1, line 1 for the word "Forthy-third" the word "Forty-fourth" be substituted.

The question was put and the motion was adopted.

*The Enacting Formula, as amended, was added to the Bill.
The Title was added to the Bill.*

SHRI ARJUN SINGH: Sir, I beg to move:

That the Bill, as amended, be passed.

The question was put and the motion was adopted.

PROCLAMATION UNDER ARTICLE 356 OF THE CONSTITUTION IN RELATION TO THE STATE OF NAGALAND

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. M. SAYEED): Sir, I lay on the Table a copy (in English and Hindi) of the Proclamation [G.S.R. No. 79(E)] issued by the President under clause (2) of article 356 of the Constitution on the 22nd February 1993, revoking the Proclamation made by him on the 2nd April, 1992, in relation to the State of Nagaland, under clause (3) of the said article.